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ABSTRACT

This study suggests that court procedures in Illinois must improve to assure that more children are placed in permanent homes in a timely way. The University of Chicago's Chapin Hall Center for Children examined the timeliness of the Circuit Court of Cook County, Illinois' Child Protection Division in completing the sequence of hearings and adjudications necessary to achieve permanence (either through permanent placement or family reunification) for children who are abused or neglected. The analysis also identified practices and procedures that appear to influence the Court's ability to achieve timely permanence for children. The analysis found that although the Court is not, overall, in compliance with statutory timeliness guidelines, substantial progress has been made in improving compliance over the last few years and the improvement seems to be continuing. The analysis further found that the Court was not effective in moving toward permanent homes for children in a timely fashion once they have been placed in custody of the Illinois Department of Children and Family Services. Meeting statutory guidelines for timeliness was negatively associated with achieving a timely permanent placement. This negative association may be due to the small number of adoptions completed and the Court's tendency to delay cases where there is a perception that a return home is at all possible. (This document is relevant to the field of education in that permanent placement and family reunification are two strategies that can contribute to children's readiness to learn by increasing stability in their lives.) (JPB)

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DISCUSSION PAPER

TIMELINESS AND DELAY IN THE COOK COUNTY JUVENILE COURT CHILD PROTECTION DIVISION

Abstract

This paper reviews Chapin Hall's analysis of timeliness in the Circuit Court of Cook County's Child Protection Division in completing the sequence of hearings and adjudications necessary to achieve permanence (either through permanent placement or family reunification) for children who are abused or neglected. It also identifies practices and procedures that appear to influence (positively or negatively) the Court's ability to achieve timely permanence for children. The analysis found that, although the Court is not, overall, in compliance with statutory timeliness guidelines, substantial progress has been made in improving compliance over the last few years and the improvement seems to be continuing.

Furthermore, the study found that the Court was not effective in moving toward permanent homes for children in a timely fashion once they have been placed in the custody of the Illinois Department of Children and Family Services. Interestingly, meeting statutory guidelines for timeliness was negatively associated with achieving a timely permanent placement. This negative association may be due to the small number of adoptions completed and the Court's tendency to delay cases where there is a perception that a return home is at all possible.

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November 1997

Chapin Hall Center for Children

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- International projects, covering Chapin Hall's recent and growing involvement with children's policy researchers and research centers in other countries
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Discussion Paper CS-45

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We also are grateful to the volunteers who gave generously of their time to help us to understand the functioning of the Court through court observation—Mary Anderson, Roy Arvio, Kim Baer, Laura Bornholdt, Ethel Denson, Anna Loftus, Corinne Siegel, Jamaree Vest, Grace Wolf, and Eve and Norman Weinberg. These volunteers were joined by Chapin Hall staff who took time away from their other work activities to conduct court observation—Stephen Baker, Allison Harris, Amelia Kohm, and Maribel Zepeda. The attention and insight of these Court observers were invaluable to our efforts.

Finally, we wish to thank Stephen Baker for his work to ensure data quality and Pattie Bengston and Susan Campbell for their tireless work to ensure that this paper is both clear and accurate.

Timeliness and Delay in the Cook County Juvenile Court Child Protection Division

Sheila M. Merry, Clark M. Peters, Robert M. Goerge, Ruth Osuch, Maria Minor, and Stephen Budde

Introduction

The Cook County Juvenile Court's Child Protection Division is charged with addressing the complex problems of Cook County's most vulnerable children and their families—most certainly a daunting task. Through the efforts of the Chief Judge of Cook County and the Child Protection Division's Presiding Judge, as well as those of the Division's many dedicated judges, attorneys, and other staff, the Court has made a commitment to improve its ability to address the needs of families in an appropriate and timely way.

The Illinois Court Improvement Project supports reform of the Juvenile Court's Child Protection Division by developing a recommended plan of action, guided by solid information, on the current operations of the Court. This paper reports the findings of research conducted between January and October, 1996, to inform that action plan with respect to Cook County. A separate paper[1] presents findings from a statewide review of child protection proceedings that has also been conducted as part of the project. The Court Improvement Project is supported by a federal grant awarded to the Illinois Supreme Court. (The origin and management of this project are detailed in Appendix A.)

The Cook County Juvenile Court's Child Protection Division accounts for approximately 75 percent of the more than 50,000 children in substitute care in Illinois. This paper seeks to answer three major questions: First, is the Child Protection Division meeting federal and state statutory timeliness guidelines? Second, does compliance with these guidelines increase the likelihood of achieving timely permanent placements for children? And third, which Court procedures and practices support and which undermine its ability to meet timeliness guidelines and ultimately to achieve timely permanent placements for children under Court jurisdiction?

The main body of this paper is organized into three sections. The first section, A Brief Overview of Court Functioning and Process, presents a basic description of the Court and its functioning at the time of our observation and interviews. The second section, Findings Regarding the Court's Success in Achieving Timely Permanent Homes for Children in its Care, reports the findings of our analysis regarding the Court's compliance with statutory guidelines and its success in achieving timely permanent homes for children and presents empirical data describing delay within the court. The third section, Court Procedures and Culture Contributing to Delay, discusses the specific courtroom practices and aspects of Court culture that may undermine the Court's ability to achieve timely permanent homes for children. (Project methodology is described in Appendix B.)

Overview of Court Functioning and Process

This section is designed to provide background information and context for readers,

[1] Peters, C. M. and Sheila M. Merry, (1997). *Child Abuse and Neglect Proceedings in Illinois Jurisdictions Outside of Cook County*. Chicago: Chapin Hall Center for Children at the University of Chicago. Chapin Hall Discussion Paper CS–46.

including some descriptive information gathered during our assessment. Readers should keep in mind that the Cook County Juvenile Court, particularly under the leadership of the current Presiding Judge, is a dynamic entity and the descriptions below are accurate only insofar as they remain current.[2]

TABLE 1

Cases in the Child Protection Division

Abuse and Neglect Petitions Filed

Year	Number
1993	5,922
1994	9,171
1995	8,066

Total Caseload as of October 1996

Year Filed	Pct.	Cumulative Pct. to Date
Before 1987	5.5	
1987–1988	6.7	12.2
1989–1990	8.9	23.0
1991	10.1	33.1
1992	9.9	43.0
1993	11.5	54.5
1994	18.8	73.3
1995	14.7	88.0
1996	12.0	100.0

Sources: Administrative Office of the Illinois Courts, Annual Reports: Statistical Summaries, 1993, 1994, 1995 and the Clerk of the Circuit Court administrative data.

The Child Protection Division

The Chief Judge of the Circuit Court of Cook County, the Honorable Donald P. O'Connell, has made the Juvenile Court a priority of his administration. In February 1995, he elevated the status of the Juvenile Court within the organization of the circuit to departmental status.[3] The Juvenile Justice and Child Protection Department includes two divisions: the Juvenile Justice Division, which handles delinquency cases, and the Child Protection Division, which handles abuse, neglect, and dependency cases and is the subject of this report. Table 1 summarizes the caseload of the Child Protection Division. At the time of the reorganization, Judge O'Connell appointed the Honorable Nancy Sidote Salyers as the Presiding Judge of the Child Protection Division.

Calendars

The calendar is the basic unit of organization in the Court and can be thought of as the judge and the legal personnel assigned to handle the judge's docket. There are two main types of calendars: "geographic" or general calendars and "termination calendars."[4] Geographic calendars[5] are the calendars for the bulk of the work of the Child Protection Division. They are so named because case assignments are loosely distributed to the calendars based on the residence of the child.[6]

[2] After this study was completed, numerous changes were made in policies that affect court practice. On the federal level, the Adoption and Safe Families Act of 1997 shortens deadlines for hearings and provides for new case plan and review requirements. Other federal legislation provides incentives to increase the number of adoptions by offering tax incentives to adoptive parents. In Illinois, H.B. 165 and H.B. 66 mirror the federal legislation in expediting court hearings and permanency decisions. Additional changes include introducing "concurrent planning" (allowing for more immediate termination of parental rights if reunification efforts fail), a "Court Family Conference" fifty-five days after temporary custody is established, and easing the grounds for terminating parental rights. Most immediate, however, were the changes instituted by the Presiding Judge of the Child Protection Division of the Juvenile Court of Cook County and Court administrators. These changes include scheduling hearings for specific times during the day, allowing more time for temporary custody hearings, the practice of retaining cases facing uncontested termination hearings in the "geographic" calendars, and an increased reliance on guardianship handled in probate court.

[3] Prior to the move, the Juvenile Court was a part of the County Division of the circuit.

[4] A third type of calendar, the "guardianship calendar" (calendar 49), hears a variety of cases, including those without predesignated future court dates and those involving postdisposition private guardianship (General Order 95-23). The calendar's judge is the Presiding Judge, who hears cases two afternoons a week. Owing to its unique character and limited scope, this calendar is for the most part omitted from this discussion.

[5] Calendars 1-6, 8-10, and 12-14. For purposes of this paper, these calendar numbers have been coded.

[6] Calendars 1, 2, 3, 8, 9, 10, and 12 serve the South and East DCFS regional offices, while calendars 4, 5, 6, 13, and 14 serve the North and West offices (General Order 95-8).

TABLE 2

Calendar Caseload

Calendar	October 1996 Caseload
AB	3,225
BC	3,490
CD	3,712
DE	3,688
EF	3,471
FG	3,200
GH	2,877
HI	3,454
IJ	3,767
JK	2,965
KL	3,352
LM	3,331
MN	1,849
NO	2,119
OP	2,057
49	192
Total	46,889

Source: Clerk of the Circuit Court administrative data.

Note: One hundred and forty cases were missing a calendar designation in the Circuit Court Clerk's data.

The three termination calendars conduct hearings relating to cases where there has been a finding of abuse, neglect, or dependency and a supplemental petition has been filed requesting the termination of parental rights (see below) to free the child for adoption. The caseloads of the court geographic and termination calendars for October 1996 are detailed in Table 2.

Calendar Personnel

Many personnel from several different offices are assigned to each calendar. There are generally at least nine people other than the judge conducting business in the courtroom. Among them is the court clerk, who is responsible for entering data from the court's orders into the Clerk of the Circuit Court's database.[7] There is also the court reporter who manually records the proceedings. The court coordinator conducts a variety of tasks for the calendar to ensure that hearings are conducted promptly and efficiently. The Illinois Department of Children and Family Services (DCFS) Court Facilitator's role is to coordinate the relationship between DCFS and the Court. The sheriff assigned to the calendar maintains order, calls out case names in the waiting area, and ensures that only essential personnel are in the courtroom.

There are also three attorney offices represented in the courtroom. The state's attorney[8], who prosecutes the case, has three assistant state's attorneys (ASAs) assigned to each calendar. The Office of the Public Defender, which represents allegedly abusive or neglectful parents, also has three assistant public defenders (PDs) assigned to each calendar.[9] Finally, the Office of the Public Guardian (OPG) has a dual representational role in most cases as both the attorney for the child and as the guardian ad litem (GAL) assigned to represent the best interests of the child.[10] The OPG has a unique assignment system. Each calendar has an "even" and "odd" set of two to three OPG attorneys who alternate duty every other day; the OPG thus has five to six attorneys assigned to each calendar. The attorney offices are housed on the upper floors of the building, above the courtrooms.

The Calendar's Day

The court's day (see Figure 1) begins with parties entering the courtroom waiting areas. The summons and notice for virtually every case indicates that the hearing for the day begins at 9 A.M. Caseworkers and parties are encouraged to arrive before this time to help in the preparation of their cases. Except for the very rare exception, however, hearings

There is a widely held perception in the Court that action on a case does not usually occur when there is no hearing imminently scheduled.

[7] The data the clerk enters here are those we employed in our analysis for this report.

[8] "State's attorney" is the term used in Illinois for the county prosecuting attorney.

[9] Until recently, for a variety of reasons, this office was not operating at full staffing levels.

[10] In cases of ethical conflict for either the Public Defender or the OPG, private attorneys step in to represent the parent or child.

FIGURE 1

A Judge's Day in the Courtroom

Average time at which the first hearing is called:	**9:58 A.M.**
Average number of courtroom hearings called per day:	**20.2 hearings**
Average duration of calendar day (between the calling of the first case and adjournment of the last case):	**5.85 hours**
Average total daily "down-time" for courtrooms:	**2.5 hours**
Average duration of a hearing (median):	**5.0 minutes**
Average length of time to next court date following an incomplete courtroom hearing:	**49 days**

Note: Figures indicate means (unless otherwise indicated) among geographic calendars during observation period.

do not begin at 9 A.M. Court observation indicated that the first case was called, on average, almost an hour later. Court administrators have made several efforts across the calendars to ensure that the first case begins earlier, with limited success.

Even though the call sheet[11] provided by the Clerk's office (and edited by the court coordinator) is numbered, no calendar simply calls the cases mechanically in the order that they appear on the sheet. Each will entertain the suggestions of lawyers to hear a case out of order to accommodate the availability of parties, witnesses, and attorneys. Many calendars make even greater efforts to organize the daily call. Often judges hold hearings that are brief early in the day. A few judges organize the day and week around the types of cases to be heard; several calendars attempt to limit motions or status hearings (progress reports), for example, to particular days of the week or times of the day, with varying success. Other calendars hold a meeting in the morning of each day, a "status call," to determine the order of the cases for the day. Still others rely on the state's attorney to call the cases, since that office is ultimately responsible for prosecution of the case.

Courtroom Hearings

Each case requires a variety of hearings.[12] The first of these is the temporary custody (TC) hearing, at which a determination is made as to whether or not there is "probable cause" to believe that the child is a victim of abuse or neglect. Once there has been an affirmative determination of probable cause, the judge further determines whether or not there is "urgent and immediate necessity" for the child to be held outside the parent's custody and whether DCFS has made "reasonable efforts" to make it possible for the child to remain safely at home.

The second hearing required by statute is the adjudication, during which evidence is presented to support (and refute) the allegation of abuse, neglect, or dependency. At this hearing, the judge either enters a finding of abuse, neglect, or dependency or dismisses the case.

The third hearing required by statute is the dispositional hearing, where a determination is made as to the legal guardianship of the child. Once this determination is made a case moves to being considered "postdispositional." Most subsequent hearings for such cases will be handled by the hearing officers under the current system.

In addition to these statutorily required hearings, judges hold a variety of other hearings regarding cases, including those related to motions brought by attorneys in the case (regarding such issues as visitation[13]) and those involved in routine case monitoring, generally called status or progress review hearings. There is a widely held perception in the Court that action on a case does not

[11] This is the list of cases to be heard by the calendar on any given day.

[12] Each "case" represents a single child. A hearing thus may involve several cases of individual siblings. The Child Protection Division's General Order 95-14 mandated that all predispositional matters be scheduled for the morning and all postdispositional matters be scheduled for the afternoon. Observers for this study indicated that court personnel do not strictly follow this order.

[13] The Court's increasing use of "elastic visitation orders," which give caseworkers discretion in increasing or decreasing the time parents may visit with their children, has the potential of reducing the frequency of motions brought before the Court for minor changes in visitation arrangements.

usually occur when there is no hearing imminently scheduled. Judges report that cases require varying degrees of vigilance to ensure that services are provided as ordered, notice is completed for upcoming hearings, and discovery is tendered to all parties.

After disposition, the only remaining statutorily required hearings are the permanency hearings (PH), which are currently routinely conducted by hearing officers.

Hearing Officers

A fairly recent innovation in the Court is the routine use of hearing officers to hear cases that would otherwise appear in the courtroom. The role of the hearing officers continues to evolve. Currently, each calendar is assigned one hearing officer. In the geographic calendars, the hearing officers conduct permanency hearings and progress reviews.[14] They occasionally conduct pretrial conferences as requested by parties or the judge. In the termination calendars, hearing officers conduct most pretrial matters, the bulk of which involves discovery and ensuring adequate notice to parties.[15]

The hearing officer's day (see Figure 2) begins by posting the cases that are to be heard that day. Most hearing officers order the list to correspond to the order in which they wish to hear the cases, with private attorneys' hearings generally getting priority. In our brief period of observing hearing officers, we found that they scheduled an average of 9.7 hearings per day.

Although hearings are almost invariably scheduled to begin at 9 A.M., during our observation period the average time the first hearing was called was 9:45. Court administrators have been vigorous in encouraging attorneys to be prepared to begin conducting hearings promptly at 9 A.M., again with little success. The delay is a special frustration to the hearing officers who, in general, were observed to be prepared to go forward much earlier than the parties or attorneys on the cases. Moreover, they operate under a strict deadline: the day must end by 3 P.M., when the hearing officer delivers the recommended orders he or she has prepared to the judge for signatures.

Permanency hearings conducted by the hearing officers are generally brief and infor-

FIGURE 2

A Hearing Officer's Day in the Hearing Room

Average time first hearing is called:	**9:45 A.M.**
Average number of hearings scheduled per day:	**9.7 cases**
Average duration of calendar day (between the calling of the first case and adjournment of the last case):	**2.3 hours**
Average duration of hearings (median in minutes):	
■ Completed permanency hearings	**8.0**
■ Completed progress reports	**3.0**
■ Incomplete permanency hearings	**4.0**
■ Incomplete progress reports	**3.0**
Average length of time to next court date following an incomplete hearing:	**74.6 days**

Note: Figures indicate means (unless otherwise noted) among geographic calendars during observation period.

[14] Hearing officers are able to prepare three types of recommended orders: order for continuance, order to compel appearance, and permanency orders (General Order 95-13).

[15] Termination proceedings are discussed in more detail below.

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mal affairs. The OPG attorney or the hearing officer invariably ask several routine questions about the well-being of the child and whether there have been any unusual incidents concerning the child. The proceedings are taped, but much of the discussion takes place off the record.

The purpose of the permanency hearing is to review the service plan, including the permanency goals for the child, prepared by DCFS and its agents, which is meant to guide a child out of Court jurisdiction and into a permanent home. Attorneys are to get copies of the service plan approved during the most recent Administrative Case Review, at least fourteen days before each permanency hearing. As a rule, any contested matters in cases are referred to the judge.

Termination of Parental Rights (TPR) Screening

When a judge in a geographic calendar[16] determines that the parents in a particular case ought to have their parental rights revoked, the judge refers the case to "termination screening." Before a supplemental petition is filed to terminate parental rights, representatives from the state's attorney, Office of the Public Guardian, and DCFS confer with the caseworker to screen cases designated for termination. The representatives discuss the sufficiency of the case, that is, whether it possesses a record that meets the requirements of the Adoption Act (under which the petition is filed) and whether the petition is likely to be successful. After a case is discussed, the state's attorney decides whether to file the petition. If the case passes screening, the case is transferred to a termination calendar for the duration of the proceedings. If the case fails the screening, it remains in the geographic calendar pending further proceedings and for development of the record for another referral.

Termination Calendars

After a case passes legal screening, it is transferred to one of the three termination calendars[17] for the filing of the petition to terminate parental rights. During the pendency of the petition, the calendar takes care of all the business regarding a case, including discovery and motions for visitation. If the petition is withdrawn, the case returns to its geographic calendar.

While the termination calendars have been instrumental in processing the many cases that have languished in the Court for years, they are temporary entities. Cases that came into the Child Protection Division after 1995 remain in the general calendars after any petition for the termination of parental rights is filed.

Ongoing Reform in the Child Protection Division

The Child Protection Division is undergoing changes at a rapid pace. Spurred by the leadership of the Presiding Judge Salyers, the Court has undertaken numerous efforts to dispose of cases that have languished on the docket and to devise strategies to ensure that new cases are processed without unnecessary delay.

Table of Five. Early in her tenure, the Presiding Judge convened an Advisory Committee, also called (informally) the "Table of Five" in reference to the representation by the Presiding Judge, state's attorney, public defender, Office of the Public Guardian, and DCFS, to examine court procedures and find consensus on constructive reform.

Permanency Planning Project. The Presiding Judge also successfully sought county funding for a Permanency Planning Project. The project assists her in establishing efficient and effective permanency planning procedures in the Juvenile Court, with the goal of ensuring that children remain wards of the court no longer than two years. The two-year project began in January 1996. The project is slated to conduct research, to identify problem areas, to seek ways to close cases that no longer need judicial intervention, and to develop pilot programs in the interest of Court reform. One recent effort of the Permanency Planning Project was a month-long Parent Orientation Pilot Project. The pilot project sought to reduce the con-

[16] Other parties may also file petitions for termination independent of a judge's referral, but such filings are exceedingly rare.

[17] The termination calendars are numbered 7, 11, and 17. Calendar 17 has been in operation as a full-time calendar only since April 1995. For the first five months of operation, it handled only pretrial termination proceedings, becoming a full termination calendar in September 1995.

fusion felt by parents and to provide information about their responsibilities, the roles of attorneys, service plans, and the court process. The court is currently seeking funding to make the orientation project a permanent feature of the court.

Case Management Pilot Project and other pretrial conferences. The court has made several efforts to streamline the court process and ensure that hearings are held only for matters that present an actual conflict for the parties. Since April 1996, four calendars have been participating in the Case Management Conference Pilot Project.[18] The project mandates a conference of parties within 60 days of service to the parents. Case management conferences take place for each calendar once a week. At these conferences, attorneys must appear prepared to stipulate to facts and work toward an agreed order, thereby reducing the need for an adjudication hearing. The calendar's court coordinator administers the meeting and prepares the order summarizing decisions of the conference for the judge to sign. The project also contemplates the use of these conferences prior to dispositions, motions, and other contested matters.

Mediation. There have been other efforts to reduce the need for hearings. The Mediation Pilot Project of the Permanency Project focused on the TC hearing. In the project's model, after a finding of probable cause, the judge would suspend proceedings. A mediator would then discuss service options that were available to keep a child at home or ensure a prompt return home. The month-long project, unfortunately, saw too few cases for proper evaluation of its potential.

Subsidized guardianships. The court hopes that increased use of subsidized guardianships, which have been enacted by DCFS, will clear the docket of cases of children who are in permanent living situations with relatives or others and for whom adoption is undesirable or unrealistic. The effort to increase these orders was slated to begin in earnest in January 1997. To this date, guardianships have been entered by the court only sparingly. It is hoped that converting foster parents into private guardians who receive state subsidies will curtail unnecessary Court involvement.

Findings Regarding the Court's Success in Achieving Timely Permanent Homes for Children in its Care

As mentioned above, the specific focus of this study is to assess Court compliance with state and federal timeliness guidelines and to consider sources of delay within the Court that influence the Court's ability to achieve timely permanent placements for children. The Court has been criticized for its failure to provide timely resolutions to the problems of abused and neglected children and their families. We hope that our efforts will lend themselves to concrete policy changes which can help to ensure a timely Court process that facilitates permanent homes for Cook County's abused and neglected children.

Timely Permanence

Our analysis of the Court's performance on timeliness in the service of permanence produced three overarching findings. First, the Court, overall, is not in compliance with statutory timeliness guidelines. Second, substantial progress has been made in improving compliance over the last few years and there is every indication that this improvement is continuing. Third, the Court is generally ineffective in moving toward timely permanent homes for children in its care once those children have been given over to the custody of the DCFS.

Compliance with Statutory Timelines

The Cook County Juvenile Court, like all courts, is guided by a variety of timeliness guidelines established by both the federal and state legislatures. Those guidelines are summarized in a sidebar.

These guidelines[19] are intended to ensure that the Court process affecting the lives of abused and neglected children and their families does not inappropriately prolong the

Statutory Timeliness Guidelines

- Within forty-eight hours of a child being taken into protective custody, the case must be brought before the Court for a hearing regarding temporary custody. This forty-eight-hour period is extended to the next Court day when the forty-eight-hour period expires on a weekend or holiday.
- An adjudication hearing must take place within 90 days after parents have been notified of an adjudication hearing. Judges can grant one 30-day continuance, bringing the total time to 120 days.
- A disposition hearing must take place within thirty days after the completion of an adjudication hearing, although thirty-day continuances can be granted for up to one year.
- A permanency hearing must be completed within sixteen months of a child entering the protective custody of the Department of Children and Family Services.

[18] The project derives from Illinois Supreme Court Rule 218, which requires the Court to meet with parties within thirty-five days of being "at issue."

[19] We have measured compliance and report below against the state guidelines as these meet or exceed the federal standards for all hearings.

The Court's Compliance with Guidelines

- For petitions filed in the Juvenile Court in 1993, 1994, or 1995, 73 percent completed the temporary custody (TC) hearing within the statutory guideline of forty-eight hours (or the next available Court date when that period expires on weekends or holidays).
- Of the cases that had adjudication hearings in 1993-95, 51 percent completed the hearing within the statutory period of 120 days following the completion of notice. Another 13 percent of the cases filed in 1993 and 1994 had not been either adjudicated or closed before March of 1996. These are out of compliance, have not had notice accomplished, or have been improperly coded by the Court clerks.
- Of the cases that had disposition hearings in 1993-95, 32 percent met the guideline of thirty days following adjudication. Another 31 percent have been adjudicated but have not had a disposition hearing or been closed.
- Of the 77 percent of cases that had permanency hearings, only 30 percent were completed within the statutory (sixteen-month) guideline.[21] Another 32 percent are beyond the sixteen-month guideline and have not had a permanency hearing or been closed.

ambiguity of unresolved custody, and that it ultimately moves toward ensuring a timely permanent home for all children brought to the attention of the Court. An adjacent sidebar summarizes the Court's compliance with the guidelines.[20]

Recent Improvements in Timeliness

While the Court is clearly failing to meet statutory guidelines, the improvement with respect to those timelines in the last few years is substantial.

During the last few years, a number of changes have taken place that influence the functioning of the Court. Perhaps most notably, the number of calendars handling abuse and neglect cases was increased from seven to fourteen early in 1994. Also highly significant was the naming of Judge Salyers as Presiding Judge of the Child Protection Division early in 1995. Judge Salyers has placed a high priority on identifying cases that should be closed and on pushing the Court for compliance with timeliness guidelines. The substantial improvement in compliance certainly suggests that procedural and structural changes in the Court can have a significant impact on the Court's ability to address the matters before it in a timely way.

Permanent Homes

Only 1,032 children, 10 percent of the 11,888 cases entering the system between January 1, 1993 and December 31, 1994, had returned home prior to March 1, 1996 (see Table 3).[22] Of those that returned home, half did so at the TC hearing. So for those children for whom TC was taken, only 5 percent returned home prior to the March 1, 1996 cutoff date, with most of those children remaining in care for a minimum of fourteen to thirty-eight months.[23] Two percent of the children returned home after the adjudication and prior to the disposition hearing. The remaining 3 percent returned home sometime after disposition.[24]

Return home, however, is only one of the alternatives for achieving a permanent placement for children. Adoption remains the second most "desirable" permanent alternative. Unfortunately, the Court has demonstrated little success to date at facilitating adoptions for significant numbers of children in a timely way. Of cases filed in 1993 and 1994, 110 children out of 11,888 have been freed for adoption, with only 41 children actually being adopted by early 1996.

If the Court is to continue to improve its ability to comply with timeliness guidelines and, more important, to improve its success in achieving permanent homes for children, two things are clear. First, the Court must recognize that the TC decision is a critical one which demands extraordinarily careful consideration. Second, the Court must push to understand both the nature of the delay that exists currently in the Court and the elements of Court culture and procedure that contribute to that delay.

The following sections of this report describe the nature of the delay in the Court and the Court culture and procedures that support it. In the section describing the nature of this delay, we look at our empirical findings, from Court observation and analysis of administrative data, to describe delay as it is manifested in the Court—often in the form of Court continuances. In the subsequent section, we look at courtroom practices and procedures that contribute on a daily basis to this delay. We also explore various aspects of the culture of the Court that significantly influence the Court's ability to achieve timely permanent homes for children.

[20] In measuring compliance, we generally chose to consider compliance based on the most generous interpretation of the guideline. In measuring compliance with the TC guideline, a case was considered to have complied with the guideline if it met the standard of ninety-six hours that would take effect for cases where the forty-eight hours fell within the weekend. Similarly, rather than use the 90-day standard for adjudication, we determined compliance based on the 120 days allowable through an extension of the guideline.

[21] This analysis includes only cases filed in 1993 and 1994, since those are the only cases that could have been expected to have completed their permanency hearings by the end date of our data.

[22] Data are missing on 305 cases.

[23] This is as long as we are able to document that they remained in care given the cutoff date of our data. There is every indication that these children likely remained in care many months longer.

[24] Of all the cases that had been returned home, 70 percent had been home for over twelve months without having the case closed, suggesting that Court supervision for extensive periods is the norm.

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TABLE 3

Permanent Homes

Children with Petitions Filed in 1993 and 1994	11,888
(Data missing on 305 cases)	
Children Returned Home by March 1, 1996	1,032
At TC Hearing	50%
Between Adjudication and Disposition	20%
Postdisposition	30%
Children Freed for Adoption	110
Children Adopted	41

Source: Records of the Clerk of the Court.

Nature of Delay

Delay within the Court varies substantially based on a variety of factors. Among these factors, the characteristics of the individual case are associated with variations in compliance with timeliness. In general, those cases whose most serious presenting allegation was physical abuse returned home most quickly. Among those children who do go home, substance-exposed infants (SEI) and children with a lack-of-supervision allegation go home most slowly, if they do so at all. Our interviews suggest that the long delays associated with these two latter categories of children may well be linked to the complications inherent in cases involving parental drug or alcohol abuse, which tend to characterize both of these kinds of cases. The Court is extremely reluctant to return a child to a parent actively using drugs, and drug treatment tends to be a long and difficult process in which relapse is extremely common.

Continuances

The clearest, observable manifestation of delay in the Court is the continuance.[25] Con-

Improvements in Timeliness

- Cases that were filed in 1994 and 1995 were 35 percent more likely to meet the statutory guideline for TC than those filed in 1993.
- For cases that experienced an adjudication hearing, cases filed in 1994 completed the adjudication hearing 25 percent more quickly than those filed in 1993. After a low of 40 percent in mid-1993, compliance rates rose modestly but steadily until the last quarter of 1995, when there was an improvement from 51 percent to 56 percent[26] of the cases being adjudicated within the 120-day period.[27]
- Cases filed in 1994 completed the disposition hearings 30 percent more quickly than those filed in 1993.[28]
- There was substantial improvement in compliance with permanency hearing guidelines between 1993 and 1994: 36 percent of cases met the sixteen-month statutory timeline in 1994 compared to 20 percent in 1993. Overall, cases filed in 1994 were 25 percent more likely to get an initial permanency hearing within the statutory guidelines and the Court entered goals for these cases 100 percent more quickly than for their 1993 counterparts.[29]

[25] We have defined continuance to include any case that failed to complete the task that brought it before the Court that day. This includes hearings in which some work was accomplished as well as others where the process was not even begun owing to such factors as a party not being present or notice not being adequately served. It also includes hearings where the Court simply ran out of time in the day to complete the hearing, although our observations found this an infrequent source of delay.

[26] A brief study undertaken by court administrators found similar results. The study examined all cases that had a hearing from February 6 through 16, 1996. In the 89 court-days of the study, there were 2,631 cases, 51.8 percent of which had completed adjudications within the statutory 120-day period. Of the other cases, 28.2 percent had failed to meet the 120-day deadline, 18.1 percent had incomplete data (including cases that had yet to reach 120 days), and 2 percent had children home under orders of protection. (Memorandum from Christine Crum to Honorable Nancy S. Salyers dated February 28, 1996.)

[27] There was a precipitous decrease (from 50 percent to about 40 percent) in the adjudications that met the federal guidelines in mid-1993. In April of that year, Joseph Wallace was killed by his mother, an event that triggered a great deal of media attention, some significant soul searching among Court personnel, and a number of independent investigations (see Appendix B). We suspect that the substantial impact of this case may have influenced the Court to be more cautious in its decision making.

[28] As for compliance with disposition guidelines, there was a large decrease (from 30 percent to less than 20 percent) in the disposition hearings that met the federal guidelines beginning in mid-1993. In the last quarter of 1994, there was a recovery to nearly 38 percent of the cases meeting the guidelines and then additional improvement in 1995.

[29] This change also reflects changes in the law regarding permanency hearings that took place in both September of 1993 and May of 1995. These changes in the law further clarified the Court's responsibilities with respect to permanency hearings and strengthened the requirements related to the timing of entering a Court-approved permanency goal.

sequently, we engaged in structured observation of the Court in an effort to better understand the substance, length, and variation of those continuances. Our study found that approximately 35 percent of all Court hearings on a given day resulted in a continuance, with approximately two-thirds of those hearings having completed some, but not all, of the work before the Court that day.[30]

Overall, almost 65 percent of hearings were completed, while 24 percent were continued and 11 percent were not begun. Completion varied widely across geographic calendars. One calendar completed over four-fifths of its hearings (82 percent), on average each day. Another completed barely half (52 percent) of its hearings.[31] This kind of disparity certainly warrants a close look so that we might understand what factors may be driving this difference.

We looked at factors in court operations associated with higher- or lower-than-average completion rates. It was striking, although perhaps not surprising, that the geographic calendars most successful at completing the hearings before the Court on any given day also had the lowest number of cases scheduled on average each day. The two geographic calendars with the least success at completing the hearings on the call had among the highest average numbers of cases handled per day. Significantly, these calendars do not, overall, have higher caseload levels than calendars scheduling smaller numbers of cases per day. Rather they reflect clear differences regarding how Court personnel choose to manage the call. The data seem to suggest that scheduling fewer cases per day allows the calendar to "complete" a higher percentage of those cases, reducing the number of those cases that need to be returned to the call within the next few months.

Interviews suggest that a shorter Court day also facilitates completing cases, by freeing Court personnel earlier in the day to complete necessary preparation for the next Court day. This thinking suggests that a long Court day creates a self-defeating cycle. The many continuances generated by a long Court day require cases to be returned to the Court call within the next few months. Further, the long Court day ensures that attorneys have little time after the Court day ends to reach caseworkers, parties, and witnesses for the next day—making future continuances likely. The high level of continuances substantially increases the load on the calendar, which reinforces the need for a long Court day. Regardless of the actual size of the calendar caseload, the argument suggests, these calendars are easily overwhelmed by the demand for Court time that they face.[32] While we found a relationship between the number of cases handled per day and the frequency of continuance, our observations did not document a clear relationship between the length of the actual Court day and the number of continuances.

Looking again at the geographic calendars, we found that the most frequent cause for delay was the absence of a key party to the proceedings; nearly 36 percent of the hearings were delayed for this reason, with a little less than half (46 percent) of these delays involving absent caseworkers (both DCFS and private agencies). Absent parents were also a concern, representing 25 percent of these party-not-present continuances. The

[30] There is little historical information regarding procedural delay available for the Cook County Juvenile Court. In a study that involved observations of ninety-six child abuse and neglect hearings in 1988, Mary Ann Hartnett noted that 58 percent (N=56) of the hearings were completed. Of those not completed, 60 percent (N=24) were not begun. (Mary Ann Hartnett, "Judicial Review of Children in Substitute Care," Chapin Hall Center for Children at the University of Chicago, Working Paper CS-28 (1991).) In a study on all juvenile proceedings in the county over a year beginning in April 1980, observers found that 39 percent of dependency and delinquency hearings were continued in the Cook County Juvenile Center. Of these continuances, 54 percent were due to the absence of a necessary party, 12 percent due to the lack of a report or information, and 4 percent due to a missing attorney. (*The Juvenile Court in Cook County: An Inside Look by Outsiders*, League of Women Voters of Illinois, Illinois Juvenile Court Watching Project, October 1981.)

[31] These comparisons among courtrooms consider only geographic calendars.

[32] As will be described below, our observation found that continuances took very slightly less time than completed hearings—so often these calendars are spending almost as much time on a hearing which must ultimately be continued, and then are having to revisit it a month or two later, as others are on completing hearings.

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absence of the minor or the foster parent accounted for 5 percent of absent party continuances. Reasons for continuances are detailed in Table 4.

Our observation also supported the perception of many Court personnel that another significant cause of continuances is attorneys, particularly private attorneys, not being present for the Court date. The absence of an attorney accounted for continuances in 8.4 percent of hearings and almost 12 percent of trials.

Even when all parties and attorneys are present, they may still be sources of delay if they are unprepared to go forward. Lack of preparedness was the reason for the continuance approximately 12 percent of the time. Of those cases where observers were able to note who was unprepared (which was in 80 percent of cases involving lack of preparedness), 30 percent of these unprepared parties were DCFS or private agency caseworkers. Two-thirds of these unprepared workers were new to the case. These numbers confirm the perception of interviewees that there is a significant problem with high staff turnover among casework staff causing continuances. Public defenders accounted for another 26 percent of continuances for unpreparedness, with approximately one-third of them being new to the case. And GALs accounted for 23 percent, though being new to the case was not generally reported as the reason for the lack of preparedness for GALs. State's attorneys and private attorneys accounted for 11 percent and 10 percent respectively. Newness to the case was not seemingly a factor for these attorneys.

Missing reports, like absent and unprepared people, contribute to delay as well, accounting for 15.6 percent of continuances. The Court relies heavily on various written reports to guide its decision making. There are frequently problems both in getting necessary reports completed and then in getting them to the Court for the necessary hearing. This represents a failure of DCFS as well as numerous subcontractors conducting various assessments and providing services. We did not find one single kind of report that was the most likely to be missing; rather, this appears to be a much more generalized problem.

Problems providing adequate notice to parents regarding the proceedings accounted for 9.7 percent of the continuances we observed. This issue of notice was a more significant problem in the termination calendars, where it accounted for 16 percent of the continuances. We will look more closely at the challenge and process of notice below. It may be worth noting here, however, that as geographic calendars take over the Court

TABLE 4

Most Common Reasons for Continuances

Party Not Present		35.9%
Caseworkers (DCFS and private agency)	46%	
Parent	25%	
Minor or Foster Parent	5%	
Other	14%	
Party Unprepared		11.7%
Caseworkers	30%	(new to case 66%)
Public Defenders	26%	(new to case 32%)
GALs	23%	(new to case 10%)
State's Attorneys	11%	(new to case 0%)
Private Attorneys	10%	(new to case 5%)
Report Unavailable		15.6%
Inadequate Notice		9.7%
Attorney Unavailable		8.4%

Note: Because this table does not present all reasons for continuance and because cases could have multiple reasons for continuance, percentages do not sum to 100.

Source: Courtroom observation.

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processes now assigned to the termination calendars, "notice" is likely to become a greater problem for those calendars as well because of the additional notice requirements of the process terminating parental rights.

It was interesting to note the substantial differences in the reasons for continuances across calendars. These differences offer the potential of highlighting those causes of continuance which can be altered by courtroom practices. For example, 20 percent of the continuances on two calendars were caused by a party being unprepared, while some calendars had virtually no continuances for this reason. According to interviewees, some judges are communicating that a lack of preparedness will not be tolerated in their courtrooms. Similarly, some calendars have a much higher percentage of cases continued because of an absent party, which interviewees suggest indicates both a communication that parties must be present and a willingness to go forward without the caseworker and/or parent in some cases. As will be discussed below in more detail, problems with notice also varied substantially across calendars.

The length of time between hearings that were completed also varied dramatically from a low of 57 days to a high of 110 days, with an average of 80 days.

Length of continuances. The full significance of continuances becomes clear only when we consider the length of time any individual continuance adds to the life of a Court case. Our Court observers noted the length of time from the date of the hearing we observed to the next scheduled hearing. On average, each continuance added forty-nine days to the Court process for the issue at hand. Given the report of Court personnel, and our own observation and Court data analysis, it is clear that numerous continuances are fairly routine. With only two "routine" continuances, it is virtually impossible to meet the statutory guidelines for a timely adjudication.

It was also striking to note from our observation that the length of continuance varied little overall in relation to the reason for the continuance. That is, a continuance because a worker simply didn't come to Court that day (or may only have been in another courtroom at the time the case was called) was not significantly shorter than a continuance required for a diligent search—despite the fact that one situation clearly requires far more time to resolve than the other. It was clear from both our observations and our interviews that, overall, the length of continuances is dictated by the number of cases on the docket rather than the substance of the cases. Our observation also suggests that it is the exception, rather than the rule, when a case is brought back into Court with any significant sense of urgency. Rather, cases are routinely set over to an approximately two-month date.

There are substantial differences across calendars, however, and these help to explain the substantial differences in calendar's compliance with timeliness guidelines. The average lag across calendars from a continuance until the next scheduled hearing ranges from a low of twenty-three days to a high of sixty-five days—a 250 percent difference. Significantly, there was no relationship between the size of the caseload for the calendar and the length of continuances. Indeed, the two calendars with the longest and shortest average continuances had strikingly similar calendar sizes. The length of time between hearings that were completed also varied dramatically from a low of 57 days to a high of 110 days, with an average of 80 days. And again, the size of the overall calendar caseload does not appear to be driving these substantial differences.

Length of Court day. This disparity is equally evident when we look at the amount of time individual calendars spend hearing cases on any given day. The portion of the day that individual calendars spent on average actively hearing cases during our observation period ranged from just over two and one-half hours to more than five hours. Surprisingly, the length of day is not associated with the number of cases handled on average on the call. That is, although the calendar with the highest number of cases on average did also average the longest day actually hearing cases, having more cases on the call did not translate into a longer Court day. Overall, the calendars with the second and third highest number of cases per day were among the three calendars with the least amount of time spent actively hearing cases.

It would be satisfying to be able to report a clear relationship between judicial time

spent hearing cases and some measure of efficacy. Unfortunately, this did not appear to be the case. While the calendar which was most effective at completing the hearings before the Court on any given day also spent more time on average on any individual hearing, and was among those spending the longest amount of time actively hearing cases in any given day, the calendar with the second highest completion rate spent on average half that amount of time hearing any individual case and the lowest amount of time actively hearing cases each day. Clearly, different judicial styles can be equally effective in completing the tasks before the Court. There is some indication, however, that spending a short amount of time on a great number of cases is not an effective strategy for completing the hearings coming before the Court in a timely manner as the net result tends to be a higher number of continuances. Our analysis supports the notion that cases are most likely to be successfully completed by scheduling fewer cases on any given day, spending a reasonable amount of time on each case, and providing some time at the end of the day for preparation for the next day.

Clarity of responsibilities. The way in which Court time is spent is also quite important. Among the more qualitative measures our Court observers employed was noting when judges addressed either parents or caseworkers regarding their responsibilities before the next Court date. Some members of the Steering Committee theorized that such a pattern of clarity would increase the number of cases that would be successfully completed and we did find evidence for this. Judges who most often directly addressed parents and caseworkers in this manner were generally among the most likely to complete a high percentage of their hearings on a given day. Conversely, judges who were least likely to offer this kind of direct interpersonal clarification of responsibility tended to have the lowest completion rates.

Phases in the Court Process

As we look at delay and timeliness, it is useful to distinguish between two distinct phases in the Court's role with respect to a case. The first phase is the involvement of the Court in what is a more traditionally judicial process. This phase includes the TC hearing, the adjudication, and the disposition. During this stage in the proceedings, the Court is primarily concerned with such issues as probable cause, the admissibility of evidence, determining whether the allegations at hand actually occurred, and whether the child should be taken into state custody, or ultimately, guardianship. We will refer to this stage as the *adjudicatory/dispositional phase*.

The second phase in the Court's role is much less traditionally judicial. Postdispositional oversight and decision making are much less about legal issues and much more about social work. This presents a variety of challenges for the Court and requires a much greater stretch for attorneys from traditional legal backgrounds. Routine Court hearings in this phase include permanency hearings, termination of parental rights petitions, ongoing progress reports, petitions for return home, and case closings. Many of the hearings in this phase are currently handled by the hearing officers. We refer to this stage as the *postdispositional phase*.

By looking at these two stages separately, we hope to distinguish how the two present different challenges to the judicial process. Percentages of cases continued by hearing type are detailed in Table 5.

Adjudicatory/Dispositional Phase

The relatively clear focus on issues of law in the adjudicatory phase makes it a "cleaner" (and more likely to be timely) phase for cases where the law is clear. Most notably, the law regarding substance-exposed infants (SEI) clearly states that a lab report confirming that an infant has drugs in his or her system is evidence of neglect. The clarity of this law allows these cases to go through the adjudicatory phase as much as 25 percent more quickly than cases involving other forms of abuse or neglect. Similarly, lack-of-supervision cases, where the legal standard regarding children having been left alone without a care plan is fairly clear cut, are also able to move through the adjudicatory phase with little delay, again 25 percent more quickly than cases concerned with other forms of abuse or neglect.[33]

[33] As will be noted below, the timeliness of these cases changes abruptly as they enter the more legally ambiguous phase of postdisposition.

TABLE 5

Percentage of Hearings Continued

Type	Pct.
Temporary Custody	20%
Adjudication	54
Disposition	33
Termination of Parental Rights	42
Permanency[34]	51

Source: Courtroom observation.

In contrast to the legal clarity of these cases, there is one very striking pattern with respect to timeliness, for cases in which the Court ultimately entered a finding that the parents were "unable." These tend to be cases where the situation is much more ambiguous or the parent is much more sympathetic than in the cases discussed above. Consistent with interviews, the administrative data suggest that the Court is much more likely to accept delay in these cases in the hope that time will help parents to "get their act together." These cases were likely to have delays three times as long as cases without this finding.

Temporary custody hearings. As reported above, the temporary custody (TC) hearing is the point at which the Court is most successful in achieving compliance with timeliness guidelines, and a critical decision-making point with respect to a child's chances of returning to his or her family within the next few years. It is therefore important to understand how this hearing currently progresses, as this should be an important focal point for any recommendations for reform.

Our observation and analysis suggest that there is a strong commitment in the Court to meeting the timeliness mandates of the TC hearing. According to the administrative data, TC hearings are meeting timeliness guidelines more often than any other type of hearings. During our Court observation, TC hearings were also the hearings least likely to be continued (19.9 percent of the time). When TC hearings were continued, they were rescheduled for the shortest length of time (on average, sixteen days, as opposed to over fifty days for all other types of hearings). When continuances did take place at TC hearings, they were somewhat less likely to be due to missing caseworkers than other hearings and somewhat more likely to be due to problems with notice or an attorney who was unavailable.

While the Court is clearly not in line with the proposed standard of an hour-long TC hearing, these hearings tend to be among the longest in the Court.[35] The average duration for completed TC hearings is sixteen minutes. This average time, however, ranged across calendars from an average of as much as thirty-four minutes per TC to as little as five minutes per TC. Overall, hearings average eleven minutes, though trials average twenty-one minutes and dispositions fourteen minutes.

Our observers also noted when judges specifically addressed the question of reasonable efforts.[36] Here we again found substantial variation across calendars. While two judges specifically addressed the issue of reasonable efforts in over 50 percent of the TC hearings before them, one never verbally addressed it at all and another only 2 percent of the time. This does not suggest that the Court failed to enter a judicial determination regarding reasonable efforts, only that specific discussion regarding these concerns did not take place in open Court. If one agrees that the TC hearing is a critical decision point for the likelihood of a child returning to his or her natural family, one would

[34] This figure includes only those permanency hearings held before judges. Permanency hearings before hearing officers are addressed below.

[35] The Court has been recently designated as a Model Court site for implementation of Resource Guidelines developed by the National Council of Juvenile and Family Court Judges as part of its Victims of Child Abuse and Neglect Project. The principles, as outlined in "Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Proceedings," provide key recommendations on the timing, conduct, content, resources, and personnel necessary for each type of dependency hearing heard by the Juvenile Court. The guidelines recommend an emphasis on the early stages of the judicial process and suggest temporary custody hearings of an hour in duration.

[36] Our observation could only capture conversations that explicitly addressed this question in open Court. It is also possible that some judges made reasonable efforts determinations based on the record at hand without specific discussion.

assume that careful consideration of the reasonable efforts question would be an essential step. Our observation did not find such careful consideration to be routine across calendars.

Some Court personnel suggested in our interviews that the short timeliness guideline for temporary custody undermines the likelihood of a thoughtful look at reasonable efforts as well as a careful assessment of the appropriateness of return home. The sense is that the guideline does not allow sufficient time for an adequate investigation and family history by DCFS and leaves the Court to make a decision with insufficient information. This gives the Court substantial incentive, they suggest, to be conservative and assume temporary custody.

Both interviews and administrative data suggest that the Court is most likely to drag out the TC hearing (and thus fail to meet the guidelines) in cases where the Court is ambivalent about the decision to take temporary custody. For example, the administrative data suggest that cases in which parents are ultimately found to be "unable" were 13 percent less likely to meet the statutory guideline for TC. This difference increased to 20 percent for cases filed in 1994. In fact, the data reveal that compliance with the TC guidelines is negatively associated with return home.

Adjudications. There does not seem to be a comparable sense of urgency in the Court regarding the timeliness of adjudications, though concern about timeliness appears to be increasing. While the administrative data do suggest substantial improvement in the number of adjudications meeting the statutory guidelines among the 1995 cases, our Court observation in March and April of 1996 found adjudications (or trials) to be the most likely hearings to be continued on any given Court day. Less than half of all trials went forward on the day they were scheduled, without the need for continuance, during our observation.[37] Reasons for continuances for adjudications are presented in Table 6.

No single cause of continuance dominates for trials as is true for some types of hearings. As in most hearings, an absent party remains the most frequent reason for continuance. Also significant were the absence of a private attorney and parties who are present but unprepared.

Both adjudications and dispositions appeared to be particularly susceptible to the potential of high-profile cases to slow down the Court. The percentage of adjudications that met timeliness guidelines fell significantly following the Joseph Wallace case in April, 1993 (see Appendix B). An improvement in timeliness began in early 1994 with a fairly small steady increase in cases meeting timeliness guidelines until a significant increase in the last quarter of 1995, which seems tied to the reform efforts of the Presiding Judge.

Administrative data analysis revealed that, in addition to the timing of the filing of the petition, a number of case characteristics have a significant influence on the timeliness of adjudication. The single strongest factor associated with a timely Court process is either parent having defaulted. Cases involving at least one defaulting parent were adjudicated nearly 43 percent more quickly than cases in which neither parent was defaulted. This removes the barrier of notice for at least one parent and minimizes continuances because a parent, or that parent's attorney, cannot be present. As mentioned above, substance-exposed infants and cases involving lack of supervision also complete both the adjudication and disposition hearings more quickly than cases involving other forms of abuse or neglect. And again, calendar differences are substantial. Two

TABLE 6

Continuances of Adjudications

Party Not Present	27%
Attorney Unavailable	12%
Party Unprepared	12%
Report Unavailable	10%
No Notice	10%
Need For Discovery	7%
Insufficient Time	7%
Provide Services	7%
Witness Fails to Appear	7%

Source: Courtroom observation.

[37] Very few of these continuances were the result of there being insufficient time to complete testimony—an obvious potential reason for trial continuances.

calendars in particular have much greater delays than any of the other calendars in completing adjudications.

Dispositions. There are also substantial differences among calendars regarding the timeliness of disposition hearings—the shortest average delay was half the duration of the longest average delay. However, the differences represent a more conscious difference in philosophy than is apparent with respect to other hearings. We found two distinct philosophies. The first suggests that once a case is decided, there is very little reason to delay disposition and, in fact, when subsequent notice is not necessary, trial and disposition should be completed simultaneously.[38] Some judges routinely schedule all trials as combined trial and disposition. The other approach suggests that a delayed disposition increases the opportunity for a parent to prove ready to have children returned home, despite a finding of abuse or neglect, and provides another opportunity for a careful look at the need for the children to remain in care. Some judges deliberately delay disposition if they think there is any possibility that the child may be able to return home, both to avoid entering a finding and out of a belief that there is less resistance to return home on the part of the state's attorney's and Public Guardian's offices if guardianship has not been granted. In fact, administrative data show that cases in which the Court ultimately entered a finding that the parents were "unable" were likely to have three times as long a dispositional delay as those without this finding.

Overwhelmingly, the biggest cause of continuance was problems associated with the coordination between the permanency hearing and the Administrative Case Review.

Postdispositional Phase

After the completion of the disposition, the Court enters a significantly different phase of the Court's intervention. In effect, the traditional legal aspects of the case have been resolved and the primary role of the Court is ongoing monitoring and oversight of casework decision making. This is the phase where the Court's legal personnel appear least comfortable with their role and where substantial delay is fairly routine.

Permanency hearings. While federal legislation has required an eighteen-month permanency hearing since the passage of the Adoption Assistance and Child Welfare Act in 1980, state legislation in the last few years strengthened and clarified the permanency hearing requirement and changed local timeliness expectations to sixteen months. In 1995, these permanency hearings began to be shifted out of the courtrooms to hearing officers specifically charged with their completion. As mentioned above, the administrative data show a substantial improvement in compliance under this revised model, but the Court overall remains largely out of compliance with this guideline.

In an effort to understand more fully the substance of the Court's failure to meet statutory guidelines for permanency hearings, we conducted observation of these hearings. We should note here the substantial difference in our methods in collecting data regarding permanency hearings. This was not a part of the original assessment design, so observation of these hearings was substantially more limited. Data come from one full day of observation of hearing officers in each of the calendars. Our findings should therefore be interpreted more tentatively and can only begin to suggest how these hearings are progressing. During our observation, the frequency of continuance among these permanency hearings was extremely high, averaging 62.9 percent. Overwhelmingly, the biggest cause of continuance was problems associated with the coordination between the permanency hearing and the Administrative Case Review (ACR).[39] As can be seen in Table 7, the vast majority of

[38] There is a difference of opinion regarding whether or not the law requires a separate hearing for disposition.

[39] At the ACR, conducted every six months by the Administrative Case Review Division within DCFS, permanency goals and case plans for each case are reviewed and revised. The timing of these reviews is tied to the date on which the child entered care, without regard to the timing of the Court's review system.

these ACR continuances are related only to problems with the filing of the service plan from a completed ACR[40]; 19 percent of the time the service plan was filed but not received by all parties fourteen days before the hearing.[41] These continuances caused by the failed coordination between the ACR and the Court represent a major stumbling block to the Court's compliance with the permanency hearing guidelines.

The only other significant cause of continuance for permanency hearings was the absence of a key party, which accounted for 36 percent of the continuances. This absent party was most often a private agency worker.

Continuances of permanency hearings tend to be lengthy, averaging 75 days with a range of 8 to 203 days. Continuances were shortest when the cause of delay was a party not being present, averaging 56 days. Perhaps most surprising was the fact that there was little difference in the length of the delay relative to whether the ACR had been held or not. When the ACR had not been held at all, the average delay was 83 days. When the ACR had been held, but there was some problem with the distribution of the service plan, the average delay was 79 days. Consequently, a case in which a service plan was one day late in being filed, for example, currently results on average in a delay of almost three months—barely different than if the ACR had not yet been held.

Also striking was the variation in the length of the continuances for different calendars. While one calendar's continuances ranged from 8 to 63 days (with an average of 41 days), another's ranged from 75 to 131 days (with an average of 87), and still another's from 67 to 147 days (with an average of 118 days). These substantial differences suggest that assigned calendar is potentially a very significant factor in determining the length of delays in finalizing a permanency goal; this was also confirmed by the substantial variance in calendars revealed by the administrative data. Some of these longer delays reflect a decision to wait until the next ACR cycle. For example, in the only case we saw in which the continuance was caused by the GAL having failed to see the client prior to the hearing, the hearing was continued for 165 days because, after the standard continuance, it would almost be time for a new ACR.

Our observation and analysis suggest that, in contrast to, for example, temporary custody hearings, the Court does not place a high priority on compliance with the permanency hearing guidelines. The significant length of continuances suggests that there is little sense of urgency about completing these hearings. In fact, despite a General Order mandating that these cases be continued on a month-to-month basis once an adoption goal is set until a TPR (termination of parental rights) petition is filed, observing hearing officers revealed that the length of time until the next hearing for seven such cases with completed hearings ranged from 58 days to 155 days, with an average of 129 days. For the five observed hearings that could not be completed, the time until the next hearing

TABLE 7

Continuances for Permanency Hearings Before Hearing Officers

Average Percentage of Cases Continued	63%
Party Not Present	36%
*No ACR Held	20
*Plan Not Filed	24
*Plan Filed/Not Received	11
*Plan Filed Late	8
*Plan Incomplete	1
Party Unprepared	12

Note: Percentages do not total to 100 because a case could exhibit more than one reason for continuance. Sixty-four percent of continued cases exhibited some kind of problem with Administrative Case Review. ACR problems are those indicated by an asterisk.

Source: Courtroom observation.

[40] This observation was conducted after DCFS had instituted a new process to facilitate the delivery of service plans, although they continue to make efforts to improve the effectiveness of the process.

[41] During the observation period, the Public Guardian's office was taking a firm stand regarding late filings, consistently objecting to a hearing going forward any time that a service plan was filed at all late.

ranged from 67 days to 194 days with an average of 106 days.[42]

Certain case characteristics also have a significant impact on the likelihood of cases achieving a timely permanency goal. Three such characteristics stand out. While substance-exposed infants (SEI) and lack-of-supervision cases were the most likely kinds of cases to meet the adjudicatory timeliness guideline, postdispositionally they become the cases least likely to achieve a timely permanency hearing or to return home quickly. It appears that the Court is very clear with respect to the legal issues regarding these cases, but once they make the transition to the postdispositional phase, the court evidences great ambivalence.

While a very few substance-exposed infant cases do account for the majority of the very few early adoptions accomplished by the Court, most of these cases appear to experience extended stays in care without movement toward permanence. Given that SEI and lack-of-supervision cases represent over 50 percent of the current caseload and that both grew by over 50 percent between 1993 and 1994, it will be important for the Court to confront its ambivalence in these cases if it is to move toward increasing compliance with permanency guidelines and increasing the speed of permanent placements.

Subsequent permanency hearings. The analysis above relates only to the first permanency goal, a goal that may change as the case proceeds. While the intention of the federal statute is to establish a system that achieves a permanent home for all children within eighteen months, the statute acknowledges that such an outcome is not likely for all children. It therefore builds in subsequent permanency review hearings. In order to better understand the goal-setting process, we used DCFS data to see how goals changed over time for the children who entered care in 1993 and 1994.

A few things were particularly striking in this analysis. First, relatively few cases actually changed goals between the first and second permanency hearings. When goals were changed, they were much more likely to move away from both family reunification and permanent solutions more generally, and toward goals that mean long-term contact with the child welfare system.

Only 52 percent of initial permanency hearings, taking place on average at twenty months, but sometimes as late as thirty-eight months, involved a goal of return home or adoption—the only two goals that were truly "permanent" in Illinois at the time. The overwhelming majority of these goals were return home. Only 70 of 7,342 cases involved adoption goals. Fifteen percent had an initial goal of long-term care (i.e. an expected extended stay in non-permanent out-of-home care). While it is our understanding that it was standard practice to enter "long-term care" even in cases viewed as adoption cases if parental rights had not been terminated, only 11 of these 1,104 cases changed to adoption by the second permanency hearing, which took place on average thirty-two months after the child entered care. Clearly, adoption is not seen as a serious possibility for any but a very few children within the first three years they are in care.

Adoption. The adoption process is time-consuming and arduous, in large part in recognition of the monumental significance of the Court decision involved. The termination of parental rights (TPR) hearing requires a new round of notice and discovery, both of which introduce a variety of practical logistical challenges that make it difficult for the Court to complete. But, given the federal guidelines which suggest that permanency determinations should be finalized within eighteen months, our observation and interviews suggest that the Court does not demonstrate a sense of urgency in resolving these termination petitions consistent with moving toward the eighteen-month guideline. As noted earlier, there were 866 cases that had parental rights terminated in 1995. Nearly 70 percent of those cases were filed in 1991 or before.

Our observation confirmed this lack of urgency. Expedited termination (where trial and termination take place concurrently), is an option in the Court, but Court staff confirmed that it is extremely rare and, indeed,

[42] In cases where this was the first completed permanency hearing, a thirty-day date was set for a routine judicial determination hearing. This hearing, however, was not intended to review progress toward adoption, but rather to allow an opportunity for parties to appeal the court-approved goal.

our observers did not witness any expedited terminations. Our administrative data found only one expedited termination case in the more than 12,000 cases filed in 1993 and 1994. Termination calendars had the highest rates of continuance among all the calendars, with one termination calendar averaging less than 50 percent completion of the hearings coming before it on any given day of our observation. Overall, adoption hearings and TPR hearings were among the most likely types of hearings to be continued, with 52 percent and 42 percent of hearings continued respectively.

The overwhelmingly most significant cause of continuance for termination hearings was a key party not being present. While this was the cause for continuance of about 36 percent of hearings overall and 40 percent of adoption hearings, this percentage climbed to 60 percent with respect to TPR hearings. In over 70 percent of these cases, the missing party was a caseworker—most often a caseworker from DCFS. Problems with discovery and notice also represent a more significant problem in the termination calendars than in other calendars consistent with the need for repeated notice and discovery for the TPR process. For completion of adoption hearings, we found a significant problem with caseworkers not having the training necessary to complete the paper work necessary to request subsidy for foster parents or others interested in adopting a child under DCFS guardianship but unable to do so due to financial constraints.

The lack of urgency about completing these cases is also reflected in the fact that continued TPR hearings tend to have the longest time, across all types of courtroom hearings, between continuance and the next scheduled hearings (sixty-three days) even though 60 percent of the continuances were caused by a party not being present—not a cause that requires time to resolve.

Consistent with the interests of the Committee, we also looked at cases that have been terminated to see if there is a case profile that suggests a higher probability of termination and subsequent adoption. The answers are not as clear as one might hope. Only two clear findings are suggested by the data. First, of the very few cases experiencing quick adoption, a disproportionate number (25 percent) are substance-exposure cases. Second, nearly 70 percent of terminated cases have at least one parent who has been found in default by the court, which means they have been properly notified, but have failed to come to court. Once a parent has defaulted, the court no longer has an obligation to continue notice efforts to that parent under the petition.

To date, adoption has not been a commonly used option for timely permanence for children.

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Return home. The Court is not, as we have shown, very successful at returning children to their families once custody has been taken. Certain characteristics, however, do appear to be associated with an increased likelihood that a child will or will not return home. In general, physically abused children are more likely to go home and to do so most quickly. Once again, substance-exposed infants and children with a lack-of-supervision allegation stand out as going home after the longest time periods, if at all. The drug treatment process associated with many of these cases tends to be a long and difficult process that can delay a return home. Further, return home is much less likely to happen in cases in which a parent has defaulted.

Another significant case characteristic identified by our administrative data analyses reinforces the findings of numerous studies—that is, children living in kinship care (i.e. living in the home of a relative other than their parent) are 40 percent less likely to return home than cases otherwise placed outside the home. Kinship care appears to be a comfortable arrangement overall and takes the pressure off the Court to make a permanent decision. Recently, DCFS received a federal waiver which will make it easier to change these cases to ones in which the relative becomes a private guardian and receives a subsidy for the child's care. As this kind of arrangement, called subsidized guardianship, becomes a more routine permanency alternative, it will be interesting to watch what percentage of these cases moves toward it.

Even in this most significant decision calendar characteristics continue to play a high-

ly significant role. Not only is there substantial variation among the calendars regarding the probability of reunification with the parent(s), but some calendars return children on average twice as quickly as others.

And finally, while statutory guidelines were developed to encourage timely decision making to move cases toward permanent homes for children, because of the Court's tendency to delay decision making at both the TC and disposition hearings in the hope of being able to authorize a return home, our study found that meeting statutory guidelines was actually negatively associated with the likelihood of achieving a permanent placement. That is, we found that cases that met the timeliness guidelines were less likely to achieve a permanent home during the period considered in our study than those that did not. That negative relationship is largely driven by the tendency to delay cases perceived likely to return home and the fact that so few children are adopted.

Court Procedures and Culture Contributing to Delay

It is important to understand the nature of delay within the Court system in meeting timeliness guidelines and achieving permanency. But influencing change in the timeliness of the Court process demands that we go beyond that, to an increased understanding of what Court procedures and practices may be supporting and exacerbating inappropriate delay. In this section, we consider the influence of both Court procedures and the Court culture on the timeliness of the Court process.

Court Practices and Procedures

Structure of the Court Call

As we have described above, the way that the Court call is structured on any given day can have a substantial influence on the possibility of delay within the Court. The approaches to structuring the call vary substantially from calendar to calendar, including how many cases are set for a given day, the time for which they are set, the order in which cases are actually called, and how the Court manages active Court time.

Preparation time. Most Court personnel with whom we spoke raised the issue of necessary preparation time for the cases on the day's call. Offices take different approaches to the need for preparation time based on their staffing levels and the timing of the Court calendars. For the PDs and the state's attorneys, the time on either end of the Court call, breaks, and the time that other attorneys are before the bench are the only times available to them to prepare for this day's, or the next day's, cases. The GAL's office has higher staffing levels that allow GALs to be out of the courtroom every other day for preparation and client visits.[43]

When attorneys spend most of their day in the courtroom, the length and organization of the Court day has obvious implications for their ability to prepare for the next day. For attorneys relying on the time on either end of the Court call as well as breaks during the day for their preparation, the predictability of the Court day is important. While most judges get on the bench sometime between 9:30 and 10:00, a few occasionally start as late as 10:30. Breaks in the day frequently ran substantially longer than stated. It appeared during our observation that some of the time available for preparation was lost when there was a lack of clarity about when the judge would first enter or return to the bench. As mentioned above, our observation further suggests that those calendars that had fewer cases on the call were better able to complete the hearings before the Court, at least in part, our interviews suggest, because attorneys have more time available to prepare for the next day's cases.

Some Court personnel expressed concern that very limited preparation time increases the likelihood that only higher profile or more complicated cases will receive substantial attention by the less-staffed offices. The more cursory attention given to routine cases, they suggest, contributes to maintaining the status quo and mitigates the push toward a timely permanent placement.

[43] A number of Court and DCFS personnel expressed concern that this staffing pattern was established to allow visits to clients in their foster homes, though such visits are only infrequently taking place. DCFS personnel particularly raise concerns that children are kept out of school to waste the whole day in Court just so that the GAL can speak with them.

Calling cases. Calendars take a variety of approaches to how they structure the order in which cases are actually called. These include simply going down the docket sheet, calling cases in the order in which they are "ready" (that is, all parties are present and the attorneys are prepared), and scheduling certain kinds of cases for different times of the day. Each of these approaches has implications for the expectations of parties and personnel in the Court, the ability of lawyers to organize their own schedules, and the length of time that parties and witnesses must wait in Court prior to having their cases heard.

One approach calendars take toward structuring the order of the call is asking caseworkers to sign in when they arrive so that attorneys know that the relevant workers are present. A number of Court and casework personnel with whom we spoke expressed concern that caseworkers often have cases before more than one calendar on a given day, which means that a caseworker who has signed in may not be present at the moment the case is called. In the short term, this usually results in the case being "passed over," with some frustration on the part of the Court. But it may lead to a case being continued for another date, resulting in another unnecessary delay for a child. As outlined above, these continuances tend to be as long as others, despite the fact that the only cause was a caseworker being on another calendar. Such continuances add on average 50 days to the time it will take the Court to complete the hearing in question.

Substantively structured call. For at least two decades there has been discussion in the Court about instituting a structured Court call that schedules cases for different times during the Court day, rather than scheduling all cases at 9:00 A.M. Historically the Court has been resistant to this approach because it would not allow the Court to be as responsive to "who shows up." The fear is that the Court will be left waiting for parties and unable to go forward on other matters. We found in our analysis that some judges have nonetheless taken it upon themselves to develop a substantively structured Court call, one organized around kinds of hearings. Such a call might schedule progress reports, motions, and short dispositions for 9:00 A.M., trials for 11:00 A.M., and special trials for 2:00 P.M.

In addition to the advantages from the predictability of such a schedule for the Court's own personnel, a structured call has the potential of minimizing the waiting time of others involved in the Court proceedings. Most personnel with whom we spoke suggested that there was an advantage to the Court of minimizing the wait of parties outside the courtroom. For all parties and witnesses, a shorter wait helps to minimize frustration and increases willingness to return for subsequent hearings. For caseworkers, fixed times would help to reduce the pressure of having cases on more than one calendar by decreasing, at least somewhat, the likelihood that they would all be scheduled for the same time. Moreover, a shorter wait would free caseworkers to do the work with clients that they are charged to do. There is also a strong sense that minimizing the wait is simply more respectful—acknowledging that the time of the parties and witnesses is as important as the convenience of the Court.

A courtroom that consistently followed this kind of substantively staggered call experienced an average wait by parties of 1.3 hours, while one "non-staggered" courtroom experienced an average wait for parties of over 3 hours, with the average across all courtrooms being 2.3 hours.

We examined how long parties waited from the scheduled time of their Court appearances to the time the cases were actually called. We found that following a substantively structured Court call significantly reduced the wait for parties outside the courtroom.[44] A courtroom that consistently followed this kind of substantively staggered call experienced an average wait by parties of 1.3 hours, while one "non-staggered" courtroom experienced an average wait for parties of over 3 hours, with the average across all courtrooms being 2.3 hours. It is important

[44] In doing this analysis, we assumed that parties arrived for the scheduled time of their hearing.

to note that, contrary to historical concerns, the courtroom with the substantively structured call did not experience an increase in the number of continuances due to parties not being present (in fact, that was lower in this courtroom than in many), had among the lowest number of cases continued because a party was unprepared, and did not experience a longer than average court day.

Managing Court Processes

The substance of the work of the Court involves a wide variety of procedures, ranging from the initial screening of a case by the state's attorney to case closing through return home or adoption, managed by several Court offices. We highlight below a few of these procedures that were identified repeatedly, either through Court observation or interviews, as contributing to Court delay.

Notice and diligent search. As part of the process, the Court is required to provide notice to all parents (including putative fathers) that a case involving their child is before the Court; this includes conducting a diligent search to locate that parent. While there is no accepted standard for what an adequate diligent search entails, routine Court practice includes searching public records, trying recent addresses, and ultimately, mailing at least fifteen certified letters to persons with the name of the parent sought. Should such a diligent search fail, the Court will authorize publication in local papers.

One surprising finding of our Court observation is that there was a significant difference across calendars in the likelihood of delays caused by failure to notify parents. While some Court personnel suggested that this may be a function of geographic differences, our analysis suggests that geography is not a significant factor. Given that the calendars use the same law enforcement officers for the provision of notice, this suggests that, either some judges have differing standards in their expectations of notice, or that some courtrooms have less efficient procedures for processing notice requests.

One of the significant challenges of the notice process with respect to the Juvenile Court is that notice must be repeated at three or more different points in the Court process: prior to trial, prior to disposition, and at the point of termination of parental rights. If, at any point, more than six months passes from the time of notice before the noticed event is completed, the notice "goes stale" and the entire notice process must be repeated.

The Diligent Search Center (DSC) was recently created in response to concerns regarding the completion of timely diligent searches. The demand for the service of the Center to complete diligent searches has been overwhelming. They have been forced to prioritize referrals and to extend their projected search completion time from three weeks to two months. The DSC relies on a small staff and volunteers as its primary labor force to conduct searches that caseworkers otherwise would be forced to conduct. The heavy reliance on volunteers causes a number of problems, particularly with delays in background checks that often lead to attrition among volunteers. The Center has also experienced difficulty with funding driven by the high cost of certified mail. The Center staff expressed frustration that, once a party has been found, the DCFS or private agency caseworkers sometimes fail to make contact to obtain consents or surrenders, letting the search go stale and requiring that the process be repeated.

Discovery. The amount of discovery required in a contested abuse or neglect case, particularly one that has been in the system for a long time and is up for termination, is sometimes staggering. The mere processing of this magnitude of paper is problematic, whether done by agencies with limited copying capacities or by the state's attorney, who must distribute the discovery to various offices. The source of the delay ranged from delays in the request for discovery through problems with clarification regarding the full scope of the discovery to problems with completing necessary copying.

In our Court observation, discovery was most likely to become a significant source of delay in the termination calendars, accounting for 16 percent of continuances. Court practice with respect to discovery tends to wait until notice to parents has been completed prior to requesting discovery. Since both notice and discovery tend to be time consuming, the Court practice of not having these processes happen simultaneously increases by a number of months the time involved in resolving a TPR request, especially if parents do not come forward to protest the petition.

Case management conferences. The Case Management Project is a recent reform intended to increase the predictability of the Court process and to maximize judicial resources by identifying areas of agreement. The project stems from a statewide mandate by the Supreme Court that requires pretrial conferences to attempt to resolve differences as well as conferences before motions and dispositions. These conferences have been piloted in three courtrooms in the abuse and neglect unit of the Court.

Response to these conferences has been varied. While many of the judges involved in the pilot with whom we spoke expressed enthusiasm for the process, concerns were raised by some other Court personnel regarding the expediency of the procedure. Most of the personnel with whom we spoke expressed support for these conferences in theory, but a number identified problems with implementation, including both logistical and more fundamental concerns. From a logistical standpoint, courtrooms have found it difficult to have all necessary parties present and prepared at these hearings. This is not surprising, given the level of continuances due to these factors in the routine Court hearings. When parents are not present, PDs often state that they do not have authority to stipulate because they have not spoken to their clients. Increasingly, judges are asking parents to appear at these meetings so that they can sign off on stipulations, but such attendance has not been high. Without substantial commitment on the part of all parties, the process could become a waste of time.

On a more fundamental level, some attorneys have questioned the value of these hearings when they follow the standard practice of taking place before a court coordinator rather than a judge. Attorneys are often reluctant to present their cases before court coordinators, who lack the experience and authority of a judge. State's attorneys are also hesitant to show their cards before hearings, especially trials, take place. Other attorneys suggest that such an adversarial posture runs counter to the spirit of cooperation that should dominate in the Juvenile Court. Finally, since judges may disagree with the rulings of court coordinators, attorneys often insist upon a judicial hearing if they are not successful in their efforts at the conference. Though most judges felt they would stand behind the finding of a coordinator, most attorneys reported that judges will usually indulge such requests. While a number of attorneys continue to question the value of this process, the perception of some judges and court administrators is that there is a growing acceptance of, and appreciation for, these case management conferences.

Visitation. Court practice during our observation period required caseworkers to return to Court to obtain approval for any change in the visitation between children and parents. Court personnel and caseworkers raised concerns that this practice was extremely limiting to caseworker discretion, frustrating to parents, and time consuming for the Court. In response to these concerns, Judge Salyers, in consultation with representatives of the SAs, PDs, GALs, and DCFS staff, developed an elastic order for unsupervised visits. This order returns judgment about the expansion or limitation of visits to the responsible caseworker.

Another concern raised by numerous parties with whom we spoke was the perception of a practice by the Office of the Public Guardian to have GALs routinely object to unsupervised visitation orders by requesting numerous additional tests.[45] The sense was that this practice tends to lead to unnecessary delays as superfluous (and expensive) psychological and drug testing is conducted. Interviewees also suggested that these delays worked to slow the momentum of the Court in returning a child home, possibly demoralizing an otherwise cooperative parent.

Adoption screening. Some caseworkers see the adoption screening process as a significant barrier to facilitating adoption for children. Preparing the case file for the adoption screening review is a very time-consuming process and one that many caseworkers find extremely frustrating as the file is returned to them for what they see as unnecessary additional tasks. There is a sense that some workers simply give up or are unable to find the time to prepare the case to meet the standards of screening.

[45] While many interviewees perceived this as routine practice of the office, Patrick Murphy, the Cook County Public Guardian, strongly asserts that this is not a standard practice of his office.

Other factors also complicate the adoption-screening process. Although the existence of an "adoptive resource" or the "adoptability" of the child is not a factor listed under the Adoption Act, it is a variable the screening process considers for several reasons. The Office of the Public Guardian is resistant to approving the filing of petitions for termination if there is no adoptive resource. The probability that a child will not be adopted makes some judges reluctant to terminate the rights of biological parents forever. The reluctance of older children to have their parents' rights terminated may discourage some cases from being cleared through the screening process.[46]

Recently, Judge Salyers approved a process for expedited adoptions in cases where there is little or no chance that parents will come forward to oppose the adoption. These cases will bypass the time-consuming screening and termination process within the Juvenile Court and go directly to the County Division of the Circuit Court where termination and adoption can be facilitated more quickly. This process appears to offer an important opportunity to facilitate more timely adoptions for children where the adoption decision is clear and the adoptive resource is unambiguous.

Termination of parental rights. We identified a number of procedures in the termination process that contribute to delay. First, the problems with notice, as outlined above, are a particular problem in termination hearings, especially the concern of notice "going stale" before termination can be completed. Second, the Court practice of delaying the request for discovery (given an average continuance in the termination calendars of over sixty days) may add an additional two months, four months, or longer (given the frequency of problems with discovery) to the termination process. Third, the Court often fails to seriously consider an expedited termination, even in cases where everyone is certain that return home is absolutely out of the question. Finally, the lack of coordination of cases that come into the termination calendars can lead to the need for more than one termination process for a parent when the Court discovers siblings on different calendars or with different agencies, creating a delay in the proceeding, or worse, forcing the process to be repeated entirely.

Management information systems. The Court employs various methods in keeping track of the cases. Each attorney office has its own means of recording progress on cases. The Court itself mainly employs two tools for tracking cases: the system maintained by the Clerk of the Circuit Court and the practice of maintaining handwritten "control sheets" with details on the case.

The data system currently maintained by the Clerk has been the subject of criticism. Questions have been raised regarding its accuracy and ability to meet key Court needs.[47] The Court is moving toward an improved management information system, but the timing for implementation of this revised system is unclear. In the interim, efforts are being made to improve the current system. Clerks, who are now assigned to individual calendars, currently enter data from orders within hours after they have been completed. The orders themselves have been reformatted to indicate the proper code that should be entered into the Clerk's system.

These improvements have increased the integrity of the information in the Clerk's datafiles, and Court personnel are increasingly relying on these data. Improvements in the format of docket sheets which list the hearings to be held before the Court that day have also added to the usefulness of the data.

Even as the automated system improves, judges and hearing officers rely heavily on control sheets—handwritten sheets of paper with critical information on a case, including rulings, findings, important dates, and attendance of parties. The information recorded on these sheets is not subsequently transferred to an automated system, which means that this important source of information is available only to judges.

[46] There is also some discussion among Court administrators of making it easier to enter orders for emancipating children in the Court.

[47] See David E. Reed and Bruce Boyer, *Information Management in the Juvenile Court of Cook County, Children and Family Justice Center*, Northwestern University School of Law (January 1995).

Culture of the Courts

Formal procedures and practices alone do not dictate the character of decision making at the Court. Over time, the Court has developed a distinct culture which also guides the Court process and the substance of its decisions. Understanding this culture is critical to considering practical strategies for system reform.

Culture of Delay

Our interviews indicate that one of the greatest concerns of many Court participants is the sense that delay has not historically been a particular concern for the Court. Despite publications like *Beyond the Best Interests of the Child*,[48] which looked at the critical role of the child's sense of time, until recently Court personnel felt there was a complete acceptance that cases would be repeatedly continued prior to disposition. There are some signs of progress. While most people with whom we spoke still feel continuances are a substantial problem, they also had a sense that there was less acceptance in the Court that continuances are inevitable. Some interviewees, in fact, perceived a new urgency in the Court about moving cases, at least to disposition, within established guidelines. Also, as reported earlier, the administrative data do suggest improvement in the last few years in meeting timeliness guidelines.

While historically there has been substantial tolerance of delay in the Court, some interviewees sense a new urgency in the Court about moving cases, at least through disposition, within established guidelines.

Culture of Mistrust

There is a pervasive mistrust among officers of the Court directed toward the caseworkers assigned to addressing the needs of the children and their families who come before the Court, extending to private agency workers as well as those working for DCFS. This fundamentally undermines the Court's ability to achieve timely permanent placements for children. While every judicial officer is able to point to a number of specific workers in whom they place a great deal of faith, there remains an overall impression that caseworkers assigned to abuse and neglect cases are inadequately trained and that the Court cannot rely on their clinical judgments with confidence. Further, with the recent privatization of casework services, judges feel there is no one who is ultimately responsible for the family as a whole. Individual children's cases are managed by different agencies, many of which are experiencing high turnover of staff, leaving the Court with the sense that it is alone in considering the interests of the entire family.

A fundamental mistrust between the Court and caseworkers assigned to addressing the needs of the children and families who come before the Court undermines the Court's ability to achieve timely permanent placements for children.

This culture of mistrust contributes to delay in the Court in a multitude of ways. The courtroom has created a variety of vehicles to compensate for (or at least provide a double check against) these perceived inadequacies. These vehicles include (1) a heavy reliance on "expert" opinion, (2) frequent progress reports, and (3) an insistence on caseworker attendance at every hearing.

Excessive reliance on expert opinion. The cases before the abuse and neglect unit of the Juvenile Court are painfully complicated. The Court is hungry for solid clinical judgments to help to guide decision making and to ensure that both parents and children are receiving services consistent with their individual needs. Because of the Court's lack of faith that assigned caseworkers are qualified to make those judgments, the Court has taken to routinely ordering psychological testing, bonding assessments, and other expert assessments to provide additional information to the Court.

[48] Goldstein, Joseph; Anna Freud; and Albert J. Solnit. *Beyond the Best Interests of the Child*. New York: Free Press, 1979.

These assessments are often conducted numerous times on both children and parents at substantial cost to the state (not to mention the psychic costs to children and parents of the constant implication that they are "crazy"). What is more important in the context of this study is that these assessments also add substantially to delays in the proceedings. The process of achieving a permanent placement cannot go forward until a "current psychological" is available. This is particularly true when return home is under consideration. According to court personnel, the Joseph Wallace case has made the Court particularly sensitive to the need for current psychological information, even if there has been no known history of mental illness. One judge reported that return home can occasionally be substantially delayed when psychologists won't release psychological reports because DCFS has not paid its bills.

A lack of confidence within the Court in assigned caseworkers leads to excessive reliance on clinical tests and assessments.

Despite the heavy use of psychological reports, many Court officers say that they are often not helpful. They are often extremely similar from one to another (sometimes word for word duplicates) and merely restate what everyone already knows. Most of the Court officers with whom we spoke were skeptical about psychological reports, and thought them overused, but many were left with a sense that these reports are all the Court really had to guide decision making.

Frequent progress reports. Another approach the Court has taken to compensate for its lack of faith in caseworkers is to frequently bring cases back into Court to check up on what the caseworkers are supposed to be doing. One judge reported that the need for progress reports virtually tripled the number of cases on his call. Such an increase in the number of hearings obviously results in longer delays before cases can next be brought before the Court.

Frequent progress reports and status hearings virtually triple the number of cases on some calendars.

Insistence on caseworker appearance. This culture of lack of trust in caseworkers is manifest throughout the Court. Overall, caseworkers with whom we spoke reported feeling that both their time and opinions are devalued. While virtually all calendars will make an effort to quickly call any case that involves a private attorney, few calendars make obvious efforts to minimize the amount of time caseworkers are in the Court. We observed numerous cases during our Court observation in which caseworkers waited many hours to have their cases called, only to have them continued. We also observed caseworkers waiting for long periods merely so that the Court could note their presence, but without being asked to participate in any way. These kinds of experiences are repeated often for caseworkers with large caseloads.

Many judicial officers with whom we spoke agree that caseworker presence is not critical to many hearings. The need to appear repeatedly in Court obviously limits significantly the time available to caseworkers to meet the service needs of their clients, particularly given that there are no phones available in waiting rooms, and stepping away from the calendar risks that the case will be called and the worker will be noted as absent. And if workers are not given sufficient time to meet the service needs of their clients, it only makes sense that the process will take longer in meeting the needs of children and families. Frequent unnecessary appearances by workers also increase the likelihood that caseworkers will fail to appear for Court dates—which accounts for nearly 20 percent of the Court's continuances.

Frequent unnecessary appearances by caseworkers undermines their ability to meet client needs and risks increasing the likelihood that caseworkers will fail Court dates.

Many Court personnel reported that a significant part of the Court's insistence on caseworker attendance stems from a lack of faith. Some judges feel they must have caseworkers in front of them under oath to have any confidence in what they are saying. Other

Court personnel pointed to the caseworkers' time in Court as an opportunity to touch base with them about their cases, which can then be accomplished at the convenience of the Court. But for the average two and one-half hours that caseworkers spend at the Court, it may be that only five or ten minutes is spent talking with a GAL, PD, or SA. The rest of the time, they just wait.

An Adversarial Culture

When we raised questions about sources of delay within the Court, one frequent response was that the process was made much less efficient, and much less productive, by the fundamentally adversarial nature of the Court. The original vision for the Juvenile Court was one exempt from the tradition of contentiousness, one that involved professionals exploring together how best to meet the needs of children and their families. With increased concern regarding parents' civil rights and the representation of children, there has been an ever-increasing level of attorney involvement in the Court, which is seen to have contributed to an increasingly adversarial atmosphere.

One of the few areas of fairly broad, but by no means universal, agreement within the Court is the notion that there are too many attorneys involved at all stages of any given case. The substance of this concern is that so many attorneys with different agendas tend to protract the time that cases are in the system. There is also a sense that attorneys are ill-trained to deal with the kind of decision-making and service planning issues inherent in child protection cases before the Court.

This problem was raised with particular reference to both the public defender's and the state's attorney's offices—suggesting that these offices are decidedly ill-suited to the civil nature of child protection cases. While Court personnel agree that there are many conscientious attorneys dedicated to the needs of abused and neglected children and their families, concerns were repeatedly raised about the fact that both the mindset and promotion systems of these offices are focused on "winning cases," thus reinforcing an adversarial rather than a conciliatory process. Further, attorneys attracted to the PD and SA offices tend to be interested in criminal practice issues and not the concerns of the Juvenile Court, especially abuse and neglect. Thus they are less likely to invest themselves in understanding the complex issues that come before the Court though it might help them to facilitate better outcomes for children and families.

An excessively adversarial nature of the Court undermines the ability of the Court to achieve timely permanent placements for children.

The PD's office was singled out even beyond the SA's as substantially understaffed and most in need of additional training. The concern about training centered less on Court procedure than on advancing the interests of clients, particularly after disposition. Some Court personnel pointed to the limited number of service appeals filed by PDs as indicative of their lack of activity on behalf of their clients post-disposition. The perception is that many overwhelmed PDs fail to adequately prepare their clients for the proceedings from the beginning of the Court process, and are unable to consistently move cases forward in the best interests of their clients.

Concerns were also raised regarding two specific management practices of the PD's office. First, unlike other attorney offices, the PD's office does not assign a lead attorney to each calendar who has responsibility both for attorney supervision and to cover cases when another attorney is out. The lack of hierarchy is also seen as contributing to the training problem, as inexperienced attorneys do not have a lead attorney in the courtroom to look to for help. The perception is that less-experienced attorneys are less likely to understand that focusing on service provision is often more important to the best interests of their clients than an adversarial defense. The second practice of concern relates to the method of assigning PDs to cases. Cases are assigned alphabetically, with no shared responsibility for backup. This leads to delays because PDs will not take a case "belonging" to another.

While the relatively higher staffing levels and special interest in children's law of attorneys in the Public Guardian's office are valued in the Court, the office is often seen as obstructionist when efforts are being made to return children home. Whether it is insist-

ing on expert assessments or that a child be brought to court for an interview, many Court personnel view the Public Guardian's office as a hurdle to be overcome if children are to return home.

The involvement of private attorneys is seen as a mixed blessing by many in the Court. Some personnel suggested that the involvement of private attorneys improved the standard of legal practice in the Court, with the other offices coming to Court better prepared for private attorney cases. Some concerns were raised, however, about some private attorneys not being adequately trained for the unique demands of child protection proceedings, and again contributing to an inappropriately adversarial atmosphere.

There was also concern about the attendance of private attorneys. During our Court observation, the most frequent cause for a case to be passed over until later in the day was that an attorney was not present—42 percent of the time these were private attorneys and 36 percent of the time PDs. Absent attorneys caused 8 percent of continuances to another day, with the majority of these cases being private attorneys. This resulted, on average, in a forty-day continuance.

Culture of Fear

A case like that of Joseph Wallace, which so graphically raises up the failure of the Court to protect a child in its care, combined with the intense media attention on certain judges or judicial decisions, cannot help but have an impact on the way the Court functions. Some personnel with whom we spoke feel that the Wallace case still looms large in the Court and is a key factor in the Court's failure to return more children to their families. Other personnel, however, feel that, while Wallace certainly has not been forgotten, his case no longer paralyzes the Court and that the Court is again more willing to consider the merits of each individual family's case.

But while Joseph Wallace may no longer be foremost in everyone's mind, there is still substantial fear concerning any parent with a history of mental illness or drug abuse. Absent a clear standard for determining when mental illness or drug abuse is sufficiently impairing to justify removal of a child or continued custody, both judges and attorneys are reluctant to go out on a limb and return a child to his or her home without support, particularly from the GAL's office. And the GAL's office is seen as having a very low tolerance of risk—frequently opposing efforts for return home.

High profile cases with intense media attention on judicial decisions are seen by many to discourage the Court from returning children in all but the most clear cut cases.

This fear translates into a much higher parenting standard for parents working to have their children returned than exists for parents fighting removal. While many Court personnel suggested that the same standard should be used for return home as is used for removal, there was also general agreement that the standard for return home is quite a bit higher. As captured by an anecdote frequently used within the Court, if a parent could be as low as a three, on a scale from one to ten, before losing custody of a child in the first place, he or she has to be at least an eight to get the child back. One example of how this view operates: while most personnel agreed that drug abuse, in the absence of other evidence of abuse or neglect, should not be a reason for removal, most also agreed that they would be extremely unlikely to return a child to a parent with a positive drug test. This higher standard for return home obviously makes return home more difficult and less likely.

Conclusion

As reported at the outset, our analysis of the Court's performance on timeliness in the service of permanence produced three major overarching findings. First, the Court, overall, is not in compliance with statutory timeliness guidelines. Second, substantial progress has been made in improving compliance over the last few years and there is every indication that this improvement is continuing. Third, the Court is generally ineffective in moving toward timely permanent homes for children in its care once DCFS assumes custody.

During the last few years, numerous changes have been made in the functioning of the Court, increasing the Court's ability to be responsive to the needs of children in its care. True permanency, however, remains

elusive. Orders to return home and, especially, adoptions are still rare.

Our analysis of administrative data suggests that the most critical period for cases that achieve permanency is in the first weeks after the petition is filed, specifically the activity around the temporary custody hearing. Beyond this hearing, the data show, the risk for prolonged court involvement is high.

Our analysis of delay suggests that a variety of factors contribute to the timeliness of cases moving through the Court. These factors relate both to the unique characteristics of the case and to the calendar to which it is assigned. Our observation and review of administrative data identifies a number of areas in which changes in court practice and procedure hold the potential to further improve the Court's functioning. These include careful reassessment of the temporary custody hearing, rethinking how daily court calls are structured, reevaluating the link between the ACR and permanency hearings, and revisiting the roles and function of Court personnel. It will also be critical to attend to the realities of the Court's culture and to structure reform in such a way that it is both palatable and possible.

As the Court seeks to fulfill more effectively its role in protecting children from harm and intervening in families with children at risk, it would be a mistake to focus exclusively on legal mandates. This would risk putting form over substance and distracting the court from its real mission. Refocusing the Court's attention on achieving real permanence for the children in its jurisdiction must begin with a better understanding of the concerns of families and professionals who come to the Court. The volunteer court observers for this study frequently expressed their impressions that parents found courtrooms to be mystifying and chaotic. Parents and children must find their way to a building poorly served by public transportation; must talk briefly to attorneys they may never have seen before about the intimacies of their families; must wait for long periods in a building with no cafeteria; must go into a courtroom where strangers discuss whether they should be together or separated—often without ever talking directly to them, and must often leave separately—frequently with little understanding about what is to happen next. This situation is further exacerbated by the reality that the majority of families who came before the Court are African American, and most of the attorneys and judges who decide their fate are not.

Understanding and accommodation of the concerns and needs of families are not luxuries. Without parents who comprehend their responsibilities and what they must do to regain custody of their children, the Court is destined to be primarily a place where judges and lawyers handle abuse and neglect cases, rather than a place that helps ensure the safety of children and provides parents the means and reasonable opportunity to regain custody of their children without undue delay.

The Cook County Juvenile Court's Child Protection Division faces a monumental challenge in attempting to meet the varied needs of our city's most troubled families. While there is clearly need for continued improvement, over the last few years the Court has demonstrated a commitment to improving its ability to respond in a timely and meaningful way to families in crisis, and real progress has been made. The recently engendered spirit of reform comes at a critical moment in the Court's history. The upcoming centennial of the Court provides an opportunity for meaningful change in the Court in the interest of the children and families it serves. It is vital now to take stock and to reach toward understanding and consensus about what changes are necessary and possible to more fully realize the vision that led to the creation of the Court nearly 100 years ago.

Appendix A

Origin and Management of the Project

The federal Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) allowed the highest court in each state to apply to the U.S. Department of Health and Human Services (HHS) for a four-year grant to study and improve the way state courts implement state and federal adoption and foster care laws. For those states choosing to participate, the Court Improvement Program of P.L. 103-66 requires the state supreme court to conduct an assessment of the effectiveness of the state court system in carrying out Title IV-B and Title IV-E of the Social Security Act. The Illinois Supreme Court designated the

Citizens Committee on the Juvenile Court Support Fund to oversee the grant. Encouraged by HHS to target particular jurisdictions and topics, the Citizens Committee chose to target Cook County, which accounts for approximately 75 percent of the more than 50,000 children in substitute care statewide. The Citizens Committee contracted with the Chapin Hall Center for Children to conduct the assessment and write this report.

The Citizens Committee created a Steering Committee to guide progress on the project and advise Chapin Hall in developing its research plan and conducting its assessment. A smaller subcommittee of the Steering Committee, informally referred to as the "Bridge Committee," worked with Chapin Hall most closely in defining the research plan and developing data collection instruments. In an effort to expand the range of voices and experience influencing the development of the assessment, and ultimately the plan for Court reform, a broader Advisory Committee was created which includes representatives from all key offices and agencies actively involved in the workings of the Court. This Advisory Committee met once early in the process to offer their insights in framing the research agenda and will meet subsequent to the release of this report to help in outlining the plan for Court reform.

Part of the federal financial commitment to P.L. 103-66 came in the form of technical assistance available from the American Bar Association's Center on Children and the Law. In conducting the assessment, Chapin Hall staff consulted draft protocols and research outlines provided by the ABA Center and consultants from the ABA Center also reviewed draft copies of observation instruments and drafts of this paper.

Appendix B

Methodology

This research gathered information primarily from three sources: hearing observation, analysis of administrative data, and interviews of Court personnel. Each provided a unique understanding of the Court; together they provide a fairly comprehensive overview of the Court's activities.

Hearing observation took two forms. Our most substantial observation targeted regular hearings before Child Protection Division judges. For this observation, the researchers organized nineteen staff and volunteers to observe hearings in each of the judges' courtrooms. Over a three-week period in March and April 1996, observers collected data on over 2,300 hearings.

Over the course of our assessment, it became clear that it would also be helpful to gain a greater understanding about an additional set of hearings being held outside the regular courtrooms by court appointed hearing officers. These hearings involve cases where the finding of abuse or neglect has been made against the parent(s) and a dispositional decision has been made. The cases come before the hearing officer for either routine progress reviews or permanency hearings. These permanency hearings are intended by state and federal legislation to finalize a permanency goal for each child and to ensure a concrete plan and timeline are in place for its implementation. We undertook a more modest observation of these hearings in which two senior researchers observed a total of 107 hearings, one day in each geographic calendar, over the course of five weeks in July and August 1996. In both this observation and that of the judicial hearings, observers completed data collection instruments that focused on such factors as the type and length of hearings and the frequency, length, and causes of continuances of those hearings.

Chapin Hall obtained the Court's own data from the Circuit Court Clerk's office in March 1996. In an effort to examine Court compliance with all key stages of the Court process, from the temporary custody hearing[49] to permanency hearings, particular emphasis was placed on those cases whose petitions were filed in 1993 and 1994. For each of these cases, sufficient time had passed since the filing of the petition to examine compliance with each of the statutory timeliness guidelines. The analysis of 1993 and 1994 cases also focused on children who were placed outside of their homes by DCFS and thus subject to all federal and state guidelines. Initially, the analysis examined all abuse and

[49] This is the initial hearing for all cases in which protective custody of the child has been taken. Many jurisdictions refer to this hearing as the shelter care hearing.

neglect cases filed in Cook County Juvenile Court in the years of 1993 and 1994. This consisted of 12,193 children from 5,954 families. In order to better understand changes in the Court's compliance with guidelines over time, the analysis was later expanded to include all cases subject to key hearings during 1995, using data on these cases up to March 1996, when the data were obtained from the Clerk's office.

Research staff conducted interviews with 35 Court personnel: judges, hearing officers, administrators, state's attorneys, public defenders, guardians ad litem from the Office of the Public Guardian, private attorneys, Court coordinators, and sheriffs as well as DCFS attorneys, supervisors, and Court facilitators. Beyond the formal interviews completed with these personnel, research staff also conducted many informal discussions with others in the Court in the course of conducting this research. Information from all of these confidential interviews is integrated into the discussion below.

Finally, to provide a context for the data analyzed for this report, the authors reviewed many reports that have addressed the issue of delay and Court functioning. A great many of the reports arose following the tragedy of Joseph Wallace, a child who was killed by his mother despite the intervention of DCFS and juvenile courts in several counties. Subsequently, the mother took her own life. The legacy of "Joey" Wallace lives on in today's Court in many ways: in the legislation that his case spawned, in the painful reminder of the danger that some children face, and in the risk that judges and other Court personnel must face when returning a child to a less-than-perfect parent.

Appendix C

List of Selected Reports Related to the Cook County Juvenile Court, Child Protection Division

The reports below were reviewed by the research team during the conduct of the study. They are listed chronologically.

League of Women Voters of Illinois, 1981. *Out of the Shadows: A Citizens' View of the Juvenile Court in Illinois*. Illinois Juvenile Court Watching Project.

League of Women Voters of Illinois, 1981. *The Juvenile Court of Cook County: An Inside Look by Outsiders*. Illinois Juvenile Court Watching Project.

Solomon, M., and D. K. Somerlot, 1987. *Caseflow Management in the Trial Court: Now and for the Future*. American Bar Association, Judicial Administration Division, Task Force on Reduction of Litigation Cost and Delay.

Special Committee to Study the Juvenile Justice System in Cook County, A Report to the President of the Chicago Bar Association, 1989.

Hartnett, M. A., 1991. *Judicial Review of Children in Substitute Care*. Chicago: Chapin Hall Center for Children Discussion Paper Number CS-28.

Steelman, D. C., H. T. Rubin, and J. M. Arnold, 1992. *Circuit Court of Cook County, Illinois: Juvenile Division Improvement Plan*. Chicago: Cook County Circuit Court Improvement Project.

Circuit Court of Cook County, Illinois Institute for Continuing Legal Education, 1992. *Handling Abuse and Neglect Cases at the Juvenile Division*.

Hardin, M., 1992. *Judicial Implementation of Permanency Planning Reform: One Court That Works*. American Bar Association, Center on Children and the Law.

Bellows, J., J. J. Casey, and R. E. Hofer, 1993. *The Report of the Independent Committee to Inquire into the Practices, Processes and Proceedings in the Juvenile Court as They Relate to the Joseph Wallace Cases*.

Solovy, J. S., 1993. *Final Report of the Illinois Supreme Court Special Commission on the Administration of Justice, Part II: Juvenile Justice*. Chicago: Illinois Supreme Court Special Commission on the Administration of Justice.

Steelman, D. C., H. T. Rubin, and J. Arnold, 1993. *Circuit Court of Cook County, Illinois: Juvenile Division Judge Workloads and Judgeship Needs*. Cook County Circuit Court Improvement Project.

Burke, A. M., J. W. Landsberg, and D. J. Ortega-Piron, 1994. *Improving DCFS Performance in Cook County Juvenile Court*. Office of the Special Counsel to the Governor on Child Welfare Services.

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Calica, R. H., 1994. *Report of the Family Preservation Task Force to Governor Jim Edgar and the Illinois General Assembly.*

Hochstadt, N. J., 1994. *Illinois Child Fatality Task Force: Interim Report and Recommendations.* Illinois Child Fatality Task Force.

Young Lawyers Section of the Chicago Bar Association, 1994. *Practice Handbook for the Juvenile Court.*

Hardin, M., H. T. Rubin, and D. R. Baker, 1995. *A Second Court That Works: Judicial Implementation of Permanency Planning Reforms.* Washington: American Bar Association, Center on Children and the Law.

National Resource Center for Legal and Court Issues at the ABA Center on Children and the Law, 1995. *Reasonable Efforts Advisory Panel Meeting.*

Reed, D. E., and B. Boyer, 1995. *Information Management in the Juvenile Court of Cook County.* Evanston: Children and Family Justice Center, Northwestern University School of Law.

Wexler, R., 1995. "The Children's Crusade." *The Chicago Reader.*

Other Materials

Administrative Office of the Illinois Courts—Annual Reports

Citizens Committee for the Juvenile Court—Quarterly Newsletters

Illinois Juvenile Court Act of 1987 and related legislation

Reports and memoranda of the Cook County Child Protection Division Child Protection Advisory Work Group and subcommittees.

Authors

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Sheila M. Merry, M.S.W., is a Senior Research Associate with Chapin Hall. She was the Project Director of the Illinois Juvenile Court Improvement Project Assessment. Prior to coming to Chapin Hall in 1993, Ms. Merry spent more than 15 years involved in the provision and administration of child welfare services, with a particular emphasis on services to severely emotionally disturbed adolescents and adolescent mothers and their children. Her efforts were twice formally recognized. In 1984, The Harbour, where she was Executive Director, received the Beatrice Corporation's Award for Administrative Excellence. In 1986, she was chosen to receive the Chicago Community Trust's Community Service Fellowship which honors leadership and service within the not-for-profit community. Her involvement in child welfare includes substantial experience within the Cook County Juvenile Court and a gubernatorial appointment to the Illinois Juvenile Justice Advisory Council.

While at Chapin Hall, in addition to her work on the juvenile court, Ms. Merry has served as Project Director of a documentation effort focused on the Chicago Community Trust's Children, Youth, and Families Initiative. She is coauthor (with Clark Peters) of *Child Abuse and Neglect Proceedings in Illinois Jurisdictions Outside Cook County*, an additional publication of the Illinois Court Improvement Project Assessment that is forthcoming from Chapin Hall. In addition, as a consultant to Chapin Hall in the late 1980s, Ms. Merry wrote or cowrote several papers on the state of the art of residential care facilities as well as the level of need for such facilities in Illinois.

Clark M. Peters

Clark Peters, J.D., is a Research Associate at Chapin Hall. His research is primarily focused on child welfare, community development, confidentiality, and juvenile justice. From 1992 to 1994, Mr. Peters was a staff attorney and Skadden Fellow at the Youth Law Center in San Francisco. As a legal advocate, he worked in the courts and with the California state legislature to protect the rights of children in out-of-home care.

Mr. Peters attended the University of Chicago and holds a law degree from Cornell Law School, where he was articles editor of the *Cornell Journal of Law and Public Policy*. His publications include *Who Should Know What? Confidentiality and Information Sharing in Service Integration* (with Mark Soler), published by the National Center for Service Integration. He is coauthor of the Chapin Hall Discussion Papers *Governance in Empowerment Zone Communities: A Preliminary Examination of Governance Structure and Issues in Fifteen Empowerment Zone Communities* (with Robert Chaskin) and *Child Abuse and Neglect Proceedings in Illinois Jurisdictions Outside Cook County* (with Sheila Merry).

Robert M. Goerge

Robert M. Goerge, Ph.D., is Associate Director and Research Fellow at Chapin Hall. He was the Principal Investigator of the Illinois Juvenile Court Improvement Project Assessment. His research interests center on the experiences of children and families in the social service system. Central to his research interest is improving the available information on all children and families, particularly those who are abused or neglected, disabled, poor, require mental health services, or come to the attention of service providers. Dr. Goerge is the Principal Investigator of the Integrated Database on Children's Services in Illinois, a longitudinal database on children's service receipt. He has developed multivariate models describing child service transitions in foster care, mental health, and special education.

Dr. Goerge codirects the Multistate Foster Care Data Archive funded by Children's Bureau of the U.S. Department of Health and Human Services. He recently coordinated an instructional workshop for a national group of child welfare agency researchers and analysts on the use of administrative data for research and policy analysis and is engaged in ongoing work developing the administrative data component of an international child well-being status monitoring project. He has served as a consultant to a number of states on the development of improved information systems.

Dr. Goerge holds a Ph.D. in Social Policy from the University of Chicago and a Research

Associate appointment with the University. He has written on substitute care, adoption, abuse and neglect, multiple service use, program effectiveness and other child welfare and well-being topics. His recent writing includes the chapter "Abuse and Neglect of Children" (written with Bong Joo Lee) which appeared in *Kids Having Kids: Economic Costs and Social Consequences of Teen Pregnancy* (edited by Rebecca Maynard).

Ruth Osuch

Ruth Osuch, Ph.D., was a Research Associate at Chapin Hall during the Illinois Juvenile Court Improvement Project Assessment. Dr. Osuch has provided technical assistance and evaluation services to the Illinois State Board of Education in connection with statewide special education initiatives focused on students with emotional or behavioral disabilities. Related work has included participation in a Chapin Hall evaluation of an Illinois financial assistance program for the families of children with developmental disabilities. As a staff member of the Human Services Research Institute in Cambridge, Massachusetts, she conducted evaluation research on state and federal programs for the developmentally disabled and their families.

Dr. Osuch's Chapin Hall-related publications include the report *Cash Subsidy Payments to Families with Children with Disabilities* (with Robert Goerge and Maria Minor). She was a coauthor of the 1992 paper "Supporting Families: State Family Support Efforts" which appeared in *Emerging Issues in Family Support* published by the American Association on Mental Retardation.

Maria Minor

Maria Minor was a Chapin Hall Research Analyst during the Illinois Juvenile Court Improvement Project Assessment. Her research career has included positions with the Eastman Kodak Company and the University of Chicago.

Stephen Budde

Stephen Budde, Ph.D., is a Senior Research Associate at Chapin Hall Center for Children at the University of Chicago. Dr. Budde has had over 15 years of experience in child welfare as a researcher, clinical social worker, teacher, and administrator. He currently is a Coprincipal Investigator on Chapin Hall's planning grant for a possible evaluation of the Edna McConnell Clark Foundation's Community Partnerships for Protecting Children initiative and a Research Associate on the federally funded National Evaluation of Family Services conducted by Chapin Hall, Westat, Inc., and James Bell Associates. In addition, Dr. Budde teaches advanced clinical research and directs a training program for public child welfare staff at the University of Chicago School of Social Service Administration. He serves as a research consultant for The Youth Campus, a child welfare agency in Illinois.

Dr. Budde's research experiences include studies of child protection decision making and risk assessment, evaluations of family preservation and residential treatment programs, staff and foster parent satisfaction studies, and analyses of child welfare responses to substance-exposed infants and their families. He was the project director of a federally funded study of placement decisions in child welfare and he has had extensive experience using both qualitative and quantitative methods. Dr. Budde values the perspectives and knowledge of practitioners and clients in his research, viewing them as essential participants in efforts to understand and evaluate child welfare services. He received his Ph.D. from the University of Chicago School of Social Service Administration in 1995.

Related Publications

The publications listed below are available from Chapin Hall except where another publisher is indicated.

Child Abuse and Neglect Proceedings in Illinois Jurisdictions Outside Cook County
Clark Peters and Sheila Merry 1997

Judicial Review of Children in Substitute Care
Mary Ann Hartnett 1991

Best Interests and Family Preservation in America
John Schuerman 1997

"Facing Uncertainty: Reuniting High-Risk Families"
Tina Rzepnicki, John Schuerman, Penny Johnson 1997
Published in *Child Welfare Research Review* (volume 2) by Columbia University Press, R. P. Barth, J. D. Berrick, N. Gilbert, editors

Informal and Formal Kinship Care
Allen Harden, Rebecca Clark, Karen Maguire 1997

An Update from the Multistate Foster Care Data Archive: Foster Care Dynamics 1983–1994
Fred Wulczyn, Allen Harden, Robert Goerge 1997

A Report from the Multistate Foster Care Data Archive: Foster Care Dynamics 1983–1992
Robert Goerge, Fred Wulczyn, Allen Harden 1994

Understanding Child Maltreatment Decisions and Those Who Make Them
Peter Rossi, John Schuerman, Stephen Budde 1996

Adoption Disruption and Displacement: The Illinois Child Welfare System, 1976–94
Robert Goerge, Eboni Howard, David Yu 1995

Geographic Analysis of Foster Care Placement: Implications of Home-of-Relative Care
Robert Goerge, Allen Harden, Bong Joo Lee 1995

Family Foster Care Placement: The Child's Perspective
Penny Ruff Johnson, Carol Yoken, Ron Voss 1995

Problems and Prospects in Society's Response to Abuse and Neglect
John Schuerman, Julia Littell 1995

Putting Families First: An Experiment in Family Preservation
John Schuerman, Tina Rzepnicki, Julia Littell 1994
Published by Aldine de Gruyter

What Works Best for Whom in Family Preservation? Relationships Between Service Characteristics and Outcomes for Selected Subgroups of Families
Julia Littell, John Schuerman, Amy Chak 1994

Rethinking Child Welfare Service in Illinois: A Summary of Findings from the Children's Policy Project
Matthew Stagner 1993

"The Reunification Process in Substitute Care"
A reprint from Social Service Review (Fall 1990) available from Chapin Hall
Robert Goerge

Child Abuse and Neglect Decision Making in Cook County
John Schuerman, Matthew Stagner, Penny Ruff Johnson, Edward Mullen 1989

Policy and Resource Factors in the Achievement of Permanency for Foster Children in Illinois
Mark Testa and Robert Goerge 1988

Expert Consulting Systems in Social Welfare
John Schuerman 1987

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